PAKISTAN IN SEARCH OF DEMOCRACY 1947-77

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Foreword

PAKISTAN IS a product of the twentieth century. Two World Wars conditioned its birth, loosened the grip of its alien rulers and influenced its political character. The decay of an older international order provided opportunities for self-realization, held out the promise of a better life, as well as a higher dignity for a people in search of their destiny. The British retreat from empire heralded a return to governing institutions controlled by indigenous leadership and in the euphoria of the freedom movement little thought was given to the realities of a political process that still demanded authoritative decision-making. Scarcity not abundance, conflict not cooperation, particularism not universal norms shaped behaviour and determined policy.

Pakistan was energized by a commitment to Islamic tradition but the nation could not transcend divisions and rivalries inherent in its regional circumstances. Nor were its leaders capable of bridging the gap, or of reconciling antagonistic moral claims. Self-interest not public service motivated officialdom and the country passed from one crisis to another, ultimately consumed by a costly civil war that caused its dismemberment. The Pakistan which emerged from the tragedy of 1971, however, apparently failed to fathom the lessons of its traumatic experience. Instead of grasping the need to tolerate differences, to promote national integration through accommodation and compassion, the raw struggle for power and status continued uninterrupted.

Just as the citizenry displays little popular confidence in government, so too, successive administrations have mistrusted their demanding publics. Compromise has long been judged weakness by those dominating the political heights and there has been a basic reluctance to accept criticism or dissent like the official view that the political opposition threatens the well-being of the nation, does not lend itself to the building of coherent institutions. Moreover, it cannot fulfil democratic longings and aspirations.

Hamid Yusuf, the author of this book, examines these themes in an effort to make Pakistan's reading and thinking public more aware of its wellsprings, its noble mission and the pitfalls into which the nation has stumbled. His countrymen owe him a debt of gratitude and those who cherish freedom and democracy the world over can only applaud his great endeavour. As nations go, Pakistan is still a very young country but it has aged considerably in these trying decades following World War II. The objectives that Pakistanis established for themselves in 1947 can no longer be taken casually. Neither is it helpful to obscure the historic record, to embellish the truth or to conceal deficiencies. Pakistan is at a crossroads and only a full accounting of the past, with all its mistakes and human errors, will enable the country to regain its equilibrium and direction. In order to know whither the state is tending, one must understand from where it has come. Charting the national course is a role reserved for political leadership, but it is also a responsibility of the nation's intelligentsia to inform those at the helm how the wind is blowing and what lies hidden below the storm-tossed seas.

Hamid Yusuf has written an important, beautifully phrased volume. The reader can quickly discern his heart as well as his intellect in this treatise. The author's love for his country is apparent on every page. His desire that Pakistan, despite its turbulent history, will find its true self, will gain strength from its bout with adversity, will yet learn from its failures, is no less obvious. Pakistan was conceived as a democratic, Islamic polity, as a blend of ancient tradition with contemporary circumstance. The past and the present are not incompatible but inextricably linked in a symbiotic relation-

ship through which the one reinforces the other, and in which the one may not be able to stand without the other. To those who extol both their unique traditions and the idea of freedom this is a book worthy of attention.

17 December, 1979 LAWRENCE ZIRING

Introductory

I HAVE attempted in these pages to make a broad survey of Pakistan's political history during the first thirty years 1947-77. It has been my aim to interpret this experience by examining the salient features of the main course of development. I have consequently concerned myself with the general character of events rather than with their details. However, some aspects or events have received a more detailed attention on account of the significance which, it is felt, they carry or due to the light which they seem to shed on the forces underlying the direction of events.

As the territorial expression of Muslim nationalism in the Indian sub-continent Pakistan was born in great hope, a hope, however, that has since been frayed by tragedy and an unhappy course of events. In its early years the politicians, for a variety of reasons which we shall have occasion to observe, proved unable either to establish a viable representative government or their supremacy over the bureaucratic system. In the circumstances, the Constitution of 1956, the culmination of ten years arduous exertions, could be sent into limbo with one stroke and Martial Law imposed on the land on 7 October, 1958, by Iskander Mirza, the fourth Governor-General of Pakistan and the first President under the Constitution. Three weeks later, the Commander-in-Chief of the Pakistan Army and the Chief Martial Law Administrator, General Mohammad Ayub Khan replaced Mirza, who was exiled. For the

ten years that followed, General Ayub Khan governed Pakistan, first as the Chief Martial Law Administrator (1958-1962) and later as the President of the country under a constitution of his own prescription, laying down a presidential form of government, but based on a concept of limited or controlled democracy. The 'decade of development' came to an end in a political tumult with the transfer of power to General Agha Muhammad Yahya Khan, Commander-in-Chief of the Army, in March, 1969, who rose to power on the ashes of the constitution as Ayub Khan had done ten years earlier, and assumed authority as the Chief Martial Law Administrator and President of the country.

The general election held for the first time in the country on the basis of universal adult franchise in 1970 under the regime of General Yahya Khan unleashed forces of which he seems to have been unaware and even less able to control or direct when the magnitude of the problem dawned. Forces contending for power and making for internal dissension in both wings of the country combined with foreign aggression. As a sequel to the Indo-Pakistan war of December 1971, the former province of East Pakistan broke away and was proclaimed as the new state of Bangladesh.

When the country emerged from the ruins and ashes of the war, Zulfikar Ali Bhutto took up the reins of power as Yahya Khan fell from power in utter ignominy. The Pakistan Peoples Party which Bhutto had formed and led to victory in the region of West Pakistan during the general election of 1970, had proclaimed the sovereignty of the people as the bedrock of its political philosophy. During the five and half years of his office, however, the architect of the party chose to establish the most pervasive despotism known to the land. But the polls in March 1977 unsuspectingly generated an extraordinary mass movement of protest which led to its overthrow by precipitating the 'take-over' of the administration of the country by the armed forces on 5 July, 1977. The period of the third martial law administration began.

The course of events in Pakistan, especially during the early years, was to a great extent conditioned by what the country had inherited from her colonial past, by her own particular historical

experience, notably in the shape of the Pakistan movement, and by the state of her preparation for a democratic system which she had adopted on independence. Some of these aspects are, therefore, discussed in the chapter entitled 'Heritage' which, it is hoped, will provide a useful background to an understanding of the main narrative.

Since Independence, the political evolution of the country has, however, taken place in the main without external control or outside influence. Even though the separation of East Pakistan was the product of Indian invasion, the rise of the movement for secession and of Bengali sub-nationalism must be traceable to purely internal factors. Many factors have, of course, influenced the march of events. Historical circumstance and human folly, personal ambition and economic motives; political aspirations and religious beliefs, for example, have all played their part in shaping the political course of the country. Although the nation has passed through many vicissitudes, the gift of freedom which it has enjoyed has been priceless.

During the thirty years under review, socio-economic and political developments of far-reaching significance have taken place which we shall examine at the appropriate places in the pages that follow. A consideration of their importance for the future must also be postponed to a later section of the book. But it may be remarked here that, taken as a whole, the period presents a strange paradox in that while the political form of the country degenerated from a parliamentary representative system into despotism, the masses emerged from a state of passivity and near "feudal serfdom" to become politically conscious and assertive of their demand for social and economic justice. This process which had begun on Independence received great impetus from the grant of universal suffrage and the holding of the first general election in 1970. It acquired a powerful expression with the rise of the Pakistan People's Party to power, leaving out of consideration for the present the political order to which it eventually gave birth. During the same period, however, the institutions inherited at Independence suffered eclipse or underwent transformation. Few new institutions were

devised in response to the democratic values or economic and social expectations. From these developments, as we shall observe, spring the major challenges of the day.

A commentary of the kind attempted here inevitably involves an expression of opinions. A number of questions besiege the mind and seek an answer. Why did the politicians fail in the first instance? Was Ayub Khan's 'take over' an act of deliberate design or the inevitable consequence of the failure of the representative system? How did the edifice of Ayub's rule crumble suddenly, leaving almost no trace? Was the separation of East Pakistan an historical necessity or the product of folly and mismanagement? How did Bhutto manage to establish a personal rule of near absolute authority? How can one account for the sudden mass upsurge against this government? What is the legacy of his rule? While these pages attempt to deal with these and similar questions, the object has not been to assert conclusions but to indicate the perspective in which they can be drawn perhaps more legitimately. Hardly a few opinions, however, can hope to please every one, especially in a situation complicated by emotion and prejudice.

Writing of contemporary history also carries familiar hazards. One is necessarily denied the distance of time which is often essential for gaining a true perspective and for arriving at an objective assessment of events. While I have endeavoured to set forth objectively and sincerely an account of the past as it has appeared to me, I cannot, therefore, claim to have seen the light.

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IN THE writing of these pages my thanks are due to many. The debt which I owe to various authors who have written about Pakistan will be apparent from the pages that follow. Two of my friends who have preferred anonymity were kind enough to see the manuscript in its early form and guided my effort in the initial stage. Mr. Bashir-ud-Din Ahmad Khan, Retired Chief Justice of the Peshawar High Court made valuable comments, especially in regard to the portions where I have referred to certain judicial decisions. To M. Nasim Khan, Advocate, I am greatly indebted for his constant encouragement and assistance and the benefit of long and fruitful discussions. To Dr. M. Afzal of the Department of Administrative Sciences, Quaid-i-Azam University, Islamabad, I owe most sincere thanks for his assistance in many ways and for stimulating discussions. To S. Nizam-ud-Din Khan I am much indebted for many valuable suggestions and for posing some important questions bearing on the subject-matter of this book. Professor Karl J. Newman, Visiting Professor of International Relations at the Quaid-i-Azam University, helped me with his illuminating comments in my endeavour to produce an objective account.

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HAMID YUSUF

CHAPTER I

The Heritage

PAKISTAN, like India, was heir to the institutions of the state which had evolved during the course of more than a century's foreign rule. The form of the constitution, the system of administration, the arrangement of the courts of law, the organisation of the army, to name but a few, found a continuity in the new-born state, providing the apparatus of governance and the environment of conditions under which Pakistan began its life. With these institutions also came new ideas which had inspired their existence and the traditions which had attended their growth.

Pakistan was also heir to the legacy of the political movement which had led to its creation. The Muslim League, for example, which had been a Muslim nationalist movement, transformed itself on independence into a political party and became responsible for running the administration of the country. As the alien rule ended, the nation also came under the sway of her own aspirations, history and social tradition.

It is not easy to encompass this vast, though fascinating, heritage which has influenced and in part determined the political evolution of Pakistan. Of particular difficulty is the attempt to describe the silent force of ideas and beliefs which sometimes provides the main-

spring of action. It is proposed, however, in this Chapter to examine broadly some aspects of this inheritance as a prelude to an understanding of subsequent events.

The Political Tradition

The tradition of Muslim rule in India, as indeed of political organisation in the subcontinent, was monarchical and non-democratic. With the coming of the British, the traditional political structure was modified. However, the viceregal system of government introduced by the British was in effect a continuation of the autocratic rule by the Mughals whom they had succeeded. Gradually, under the British, a constitutional evolution took place with a movement towards self-government, culminating in the Government of India Act of 1935 which envisaged Dominion Status and a federal parliamentary system for India. Before Independence, however, responsible governments under the Act could be set up only in the provinces. On 14 August 1947 British rule came to an end and power devolved on the two Dominions into which the subcontinent was divided at the time of Independence. Pakistan, like India, adopted the Act of 1935 as its constitutional framework and thus became committed to the establishment of a democratic system for the first time. The decision to adopt a representative system based on the elective principle was momentous. It reflected a profound change in ideas and political values when viewed against the mediaeval tradition of autocracy. But it posed for the young state its greatest challenge, for Pakistan's tradition of democracy was weak and, relative to India, the country was insufficiently prepared for democratic organisation. As this had much to do with her particular historical experience it seems worthwhile to recall briefly the political evolution in India that had taken place under the British.

With the advent of the British a section of Indian society was exposed to western thought and tradition by long contact with the British and through the medium of western education and the English language. Among the peoples of India, the Hindus, having suffered no loss of power at the hands of the British, were the readier and more willing to take to western learning which in the course of time brought into existence "a new integrated all-India class with varied background but a common foreground of knowledge, ideas and

values".[1] From the political aspirations of this class was born modern Indian nationalism, western in concept and strengthened by the unifying effects of the British rule, by the rediscovery of India's past under its auspices and by the resistance to which it gave rise. The means through which it sought expression, like the demand for self-government, were also characteristically western, and indeed taught by the new learning. Freedom and a democratic ideal became the dynamics of Indian politics at the turn of the century. A sign of the new times had been provided by the founding in 1885 of the Indian National Congress. The belief in a parliamentary system, a model justly admired, was therefore more than a desire to imitate the colonial masters. It reflected a radical transformation in ideas and values among the western educated classes providing the driving force behind the constitutional advances of which the Act of 1935 was the culmination. The demand for self-government also furnished the means whereby freedom from alien rule could eventually be obtained. The empire had thus sowed the seeds of its own destruction. But it bequeathed a seminal legacy in the realm of ideas and political aspiration.

The Muslims of India were, however, at first reluctant to receive the new western influences. As their ruling position was hurt and their domineering culture was at stake, they could not easily accept the British masters nor could they give preference to western education over their own culture. Hence the first reaction was religious purification—to purge the Muslim sociery of local accretions and to prepare it to meet the new challenge. These purificatory movements, the so-called Wahhabi movements, failed to muster political strength. The last attempt to save mediaeval power and glory was made in 1857. Its failure was foredoomed but from its ashes were born new movements. One rejected the old attitude and system and went whole-heartedly not only to appease the British but also to accept the western system. Champions of the movements were Sir Syed Ahmed Khan, Nawab Abdul Latif and Amir Ali. The first two laid stress on adopting western education but remaining aloof from politics, but the third laid the foundations of the first Muslim political platform—the Central National Mohamedan Association.

1. Percival Spear, *The Oxford History of Modern India*, Oxford, 1965, p. 291.

These movements set in motion a process of modernisation or westernization of the Muslims in the subcontinent. Meanwhile the religious groups were not silent spectators. The religious seminaries reasserted Muslim cultural freedom and paved the way for nationalist aspiration. About the role of religion in the nationalist upsurge we shall have more to say presently.

Slowly, towards the end of the nineteenth century, mainly under the inspiration of Sir Syed, the Muslims began to see in western education a means of regaining some of their lost status and a share in government employ where English had replaced Persian as the official language and where the Hindus now predominated. But a generation had already passed.[1]

Westernisation, though belated, produced among the educated Muslims the same political ideas which it had generated among the Hindus. In fact, the Muslims had much more in common with western liberalism because of a casteless creed and an egalitarian outlook. Some of their leaders did not, therefore, find it inconsistent with their position as Muslims to work under the Congress banner for the common goal of freedom and self-government. But the implications of democracy ran up against the existence of the two major communities in the subcontinent, the Hindus and the Muslims, which had not only failed to integrate but also carried the tradition of a deep-rooted conflict for centuries. It is difficult to imagine two peoples so widely apart in the fundamentals of their belief, social systems and their ways of life. Although the Muslims were in a minority, they had held political power in India for centuries. As the role of the dominant Muslim minority was weakened, it could not but clash with the growing power of the Hindu majority which under the new western system was assured of majority rule under British protection. The Muslims could not, therefore, share the enthusiasm of the Hindus for self-government and democracy which in practice implied perpetual rule by the Hindus who constituted a majority of three to one. As Jinnah said: "Democracy can only mean Hindu Raj all over India. This is a proposition to which

1. It is difficult to overestimate the role played by the "Mohamedan Anglo Oriental School" at Aligarh (later to become the Aligarh Muslim University) founded by Sir Syed in 1885, in the resurgence of Muslim nationalism.

the Muslims will never submit."[1] Parallel to the rise of Indian nationalism, Muslim nationalism was thus aroused as a reaction against the likely hegemony of the Hindus.[2] The overriding concern of the Muslims was not self-government but the preservation of the Muslims as a community, and of their cultural and national identity. This concern showed itself, first, in the founding of the Central National Mohamedan Association and secondly, by their abstaining from the Indian Congress. Later, it manifested itself in the demand for a separate electorate in order to safeguard their position constitutionally when the elective principle began to be conceded and, finally, it took the shape of the bolder assertion for a homeland carved out of the subcontinent. It was national consciousness irresistibly seeking geographical expression as independence approached, a process greatly helped by the intolerance of the Congress and its failure through unwillingness to appreciate the legitimate aspirations of the Muslims. In this struggle for survival the urge for democratic self-expression, in contrast with the Congress, receded into the background as it held little inspiration within the framework of a united India and yielded place to the movement for the creation of a separate homelend. It led to the assertion of Muslim nationalism and an emphasis on religion which lay at the heart of a sense of separate identity. As Callard has pointed out: "The struggle for the establishment of the state was one for the rule of Muslim by Muslim. It was not primarily directed to securing self-government *within* a Muslim state."[3] The stirring of democratic liberalism had therefore to wait until statehood was achieved before it could hope to find room to develop its potential. The roots which it was thus able to strike were weak.

1. Jamil-ud-Din Ahmad, *Some Recent Speeches and Writings of Mr. Jinnah*, Vol. I, 5th edition, Lahore 1952, p. 99.

2. Sir Syed Ahmed foreshadowed the political conflict when he stated in 1885: "Is it possible that under these circumstances two nations—the Mohamedan and Hindu—could sit on the same throne and remain equal in power? Most certainly not. It is necessary that one of them should conquer the other, and thrust it down. To hope that both could remain equal is to desire the impossible and the inconceivable". Cited in Richard Symonds, *The Making of Pakistan*, London, 3rd ed., 1951, p. 31.

3. Keith Callard, *Pakistan, A Political Study*, Allen & Unwin and Oxford, 3rd impression 1968, p. 327.

A representative system is inconceivable without political parties. With the gradual introduction of responsible governments in the provinces, the Congress and the Muslim League, although they were primarily nationalist movements, had begun to assume the role of political parties. But the party system, as such, had little chance to develop as the body politic was divided by the clash of the objectives and aspirations of the Muslim League and the Congress.

The Muslim League, although it had been founded in 1906 could not succeed for many years in gaining more than a limited following and that too among the middle sections of society in the Muslim minority provinces. The idea of Pakistan came much later. It was only at the Allahabad session of the League held in 1930 that a proposal for making the Muslim majority provinces in the North West of India into a single federation was first made in his Presidential address by the Muslim poet and philosopher Dr. Sir Muhammad Iqbal,[1] an idea to which the name Pakistan was later given by Chaudhry Rehmat Ali, then an undergraduate at Cambridge. But the League did not adopt as its aim the creation of an independent staet. Nor did it pass any resolution in support of the objective given by its President. In 1934, when Jinnah returned from England to reorganise the Muslim League, the party was still very weak and did not count as a major political force. However, after the Lahore Resolution was passed in March 1940, spelling out a homeland for the Muslims as its definite goal, the Muslim League penetrated the masses, captured their imagination and became the nationalist movement that we know of.

The late emergence of the League into a position at all comparable with the Congress had several important consequences. In the provincial elections held in 1937 (under the Government of India Act of 1935), for instance, the League was able to capture only seven per cent of the Muslim vote compared with the other Muslim

1. "I would like to see the Punjab, North-West Frontier Province, Sind and Baluchistan amalgamated into a single state. Self-government within the British Empire or without the British Empire, the formation of a consolidated North-West Indian State appears to me to be the final destiny of the Muslims at least of North-West India". Dr. Sir Muhammad Iqbal, *The Presidential Address, Allahabad Session, December* 1930, Delhi, All India Muslim League 1945, p. 12.

parties.[1] It could not thus form a ministry in any of the Muslim majority provinces whereas the Congress was able to form ministries in seven Hindu majority provinces thereby gaining valuable experience in the running of the government.

Another consequence of the late rise of the Muslim League was that the politics of the Muslims in the Muslim majority provinces retained a provincial character. The League was unable to gain a foothold in the provinces until the 1940's, that is after it had launched the Pakistan movement. After the elections of 1937, it was the Unionist Party in the Punjab, the Krishak Praja Samiti Party of A. K. Fazlul-Haq in Bengal and the Congress (led by Khan Abdul Ghaffar Khan) in the Frontier which formed the provincial ministries. Although the Muslim League swept the polls in 1946 (its setback in the Frontier was convincingly off-set by the result of the referendum held later in the province), it could not find time to acquire a deep hold in the provinces. The dichotomy between the Muslim League and Muslim provincial politics therefore persisted. After Independence many of the supporters of the League remained behind in India, where the battle for Pakistan was mainly fought until very near the time of Independence. The politics in the areas constituting Pakistan was of a different kind. The Congress on the other hand also predominated in the provinces. The tension between provincial affinities and central policy faced by the League did not exist in the case of the Congress.

We may also bear in mind that the areas which at present constitute Pakistan (excluding former East Pakistan) were the last to come under the British and were much less westernised. The provinces of Punjab, Frontier and Sind were in fact brought under British administration around the time when the Universities of Calcutta, Bombay and Madras were established in 1857. Besides, the strategic importance of these areas, notably that of the Punjab and Frontier, in view of the feared Russian advance and their value as a source of manpower for the army, dictated a policy of isolating them from the political influences stirring the rest of India. The same consider-

1. The system of weightage which governed representation in the legislatures operated to the League's disadvantage. The Muslims could not have a majority unless they won support from non-Muslim members who were unwilling to side with the League.

ations led to their continued economic backwardness of which the case of cotton is one example. It was grown in Punjab and Sind, but the textile industry was mainly developed outside these regions.

While discussing the political tradition we may guard against laying too much emphasis on the representative institutions bequeathed by the British. Although British policy had carried the aspiration expressed by Macaulay of leading India, grown in the image of the West, to eventual self-government, it had remained a hope and a distant goal and was not a principle governing the administration of the empire which could hardly be expected to work towards its own dissolution. The faith in a spontaneous transformation of India had soon faded, giving place to "the counter myth of the unchanging East," and it became a prevailing sentiment that British rule was the best thing that could have happened to India.

The main constitutional advances came only during the inter-War period beginning with the Act of 1919, which conceded for the first time the principle of self-government under the impulse of liberal opinion in England, the pressure of the freedom movement in India and the aftermath of World War I. The Act of 1935 had brought Dominion Status in sight. But the provisions of the Act relating to federation could not be implemented and the outbreak of World War II put a stop to further progress. After the War events moved at a rapid pace and overtook the Act. Independence came sooner than the British had anticipated or the Congress and the Muslim League had hoped for.

On the Act of 1935 Sir Coupland has observed that "it is remarkable that a course of development which had lasted so many centuries in Britain and so many decades in the Colonies should have come so near to its conclusion in India not much more than a single generation."[1] There is, however, no gainsaying the fact that the comparison is mainly one of form. Unlike England, where the political system reflected social and economic forces, constitutional development in India lacked co-relationship with society. They carried an air of superimposition, and appeared more as an appendage to the viceregal system. The induction of Indians into the art of self-government was no doubt valuable but it fell short of

1. Sir Reginald Coupland, *The Indian Problem*, Oxford 5th impression 1968, p. 148.

popular involvement. The winds of liberalism swayed the minds of the intelligentsia but had left the masses unmoved. Princely rule in nearly two fifths of India kept alive the indigenous tradition of monarchy.

It is outside the purview of this book to attempt a comparison between the subsequent political developments of India and Pakistan. India has had her own problems to contend with; problems arising, for example, from her intricate social system, the sheer size of the country and her population, ethnic and linguistic issues and the question of unassimilated minorities. In none of these matters is it possible to assert that ultimate solutions have been found. Nor can one pronounce any definitive judgment about her political form. However, the relative success of democarcy in India, which shares with Pakistan in some respects a common background and history, raises the question of comparison and the need for an explanation. It has, therefore, been felt appropriate to recapitulate some aspects of the political evolution of the two countries and the proposition which has been ventured is simply this, that much of the democratic reconstruction which India has been able to achieve is due to the preparatory work she was able to do before Independence. At Independence, India had above all the advantage of a well-organised political party in the shape of the Congress with a pool of trained leadership, a large middle class and more favourable socio-economic conditions. For reasons already discussed the Muslim League had insufficient opportunity to prepare itself for the task of steering the country through the initial process of democratisation and the conditions for its success were so much less favourable by comparison.

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The Bureaucratic Legacy

Compared with the constitutional advances, the administrative system acquired by Pakistan represented a continuation of the administrative state with the Governor-General at its head. It has greatly affected the political development of Pakistan and its influence may stretch far into the future. It seems, therefore, worth our while to reflect on some features of this legacy.

The administrative system had grown in India in response to the needs of the empire, from rule by Company officials into a vast

apparatus of modern government. The complexity of administering a large territory and the assumption of responsibilities by the Crown led to the induction of a large number of Indians into the bureaucracy, though mostly in the lower echelons. The concept of modern administration, a relatively new phenomenon even in Europe, was thus not only introduced into India but a large indigenous personnel was trained in its actual operation.

For administrative purposes the provinces, each headed by a governor, were divided into small territorial units of administration called districts. Each district was placed under the charge of a district officer who combined the functions of an executive, chief magistrate and a collector of revenue. Below him was a chain of officials reaching down to the humblest village. The hierarchical system stretching from the Viceroy downwards brought home to the people a compelling presence and a pervasiveness of government which was not known before.

As an instrument of political order, the Viceregal system of bureaucracy carried the inevitable stamp of despotic rule and served the needs of the empire. The civil service in Indian was organised in the shape of service cadres, at the centre as well as in the provinces. Many of the central cadres were, however, provincialised with the growth of decentralisation and provincial autonomy. At the apex of the bureaucracy stood the Indian Civil Service, an elitist and a transcendental civil service cadre attracting to its ranks some of the ablest sons of England to build "the steel framework" of Indian administration. In due course, authoritarian rule was tempered by paternalism but it was inspired by the belief that the administration knew what was best for the people. The members of the elite service also, it is true, developed a genuine concern for the welfare of the people among whom they spent a lifetime of service, developing even an emotional attachment to the province to which they were more or less permanently attached. They were, therefore, sometimes likened to Plato's concept of the 'Guardians'. But they acted on the assumption that efficient government was capable of offering solutions to all the problems of society.

The empire had no place for a representative political system. Freedom from popular control and long habituation to unchecked authority developed in the bureaucracy, especially in the adminis-

trative elite, a conviction of their exclusive competence. Their ability to meet new responsibilities strengthened this conviction. It is to this belief in their competence that the arrogance of power often displayed by the members of the service must probably be attributed rather than to a conscious lust for authority.

The members of the I. C. S. were the most passionate advocates of the benefits of the British Raj as they stood most to gain from its preservation. Their position and the tradition of exclusive exercise of authority made them view the politicians with particular distrust. The threat to British authority was seen as a threat to their own position, their own destiny having become linked with the empire.

It was inevitable that the Indian entrants to the bureaucracy would also become an integral component of the system, carrying out its objectives and sharing its traditions. The Indian members moulded themselves in the image of their British counterpart and often outdid them in the arrogance of demeanour. It could not be expected in view of this background that the superior services upon Independence would readily yield to the authority of the elected representatives of the people.

British rule had, however, come to rest on the acceptance and respect of the people. This was made possible by an incorruptible administration. Within an imperial framework, the bureaucracy became a public service inspired by high principles of conduct and admired for its efficiency. It became a model for the metropolitan country to follow. The edifice of the administrative system rested on the twin pillars of merit and the security of employment at all levels which guaranteed protection to an employee against unjust action. In the case of the members of the I. C. S. even the Viceroy did not have powers to remove them, such powers being vested only in the Secretary of State for India.

The Army

The need for securing the frontiers of India and ensuring internal tranquillity had led to the creation of the Indian Army which by itself was an extraordinary development. In view of the lessons of the Mutiny, deliberate care was taken to prevent the army from being influenced by political ideas, and in selecting the areas of recruitment. The army was created as a professional body in the British tradition.

Political neutrality and professionalism were its major attributes. These features were strengthened by placing the command of the force in the hands of British officers who were schooled in the same tradition. One of the consequences of this tradition was that the army came to identify itself with the supreme interests of the state and not with any political party, a group or the government for the time being. As the most organised physical forces of the State it was the ultimate guarantees of its integrity.

The Indian Army, in due course, became the most powerful instrument of power and diplomacy in the region of South-East Asia and it proved its mettle in the field of battle, in both World Wars. In the later phase officer ranks were opened to the Indians. Higher ranks, however, remained exclusively in the hands of the British. The army, as it was passed on to Pakistan, was a fully grown institution and the areas which constituted West Pakistan, notably the provinces of Punjab and the Frontier, were the prime sources for the provision of its manpower.

The Indian Army, like its British counterpart, was trained to obey the political and civilian authorities incharge of governance and on whom major decision rested i.e., those of war and peace. It could not, however, accustom itself to a control by an authority based on a representative principle. In Imperial India this was ruled out.

The army, as a disciplined body shared with the bureaucracy its distrust of the politicians who were seen as a source of disorder. It was too much to expect of them to appreciate that agitation was the only means available to the politicians in the fight for freedom. Nevertheless towards the close of the British period it had become evident that even the army could not be kept permanently immune from the ideas stirring the whole subcontinent. The main tradition of distrust, however, stood firm and was passed on to Pakistan.

The Judiciary

Among the institutions of the State handed over to the new State the judiciary had a special place, having characteristics which set it apart from the rest.

In the first place, outside the personal law of the communities, a vast body of law and practice, civil and criminal, was codified

based almost entirely on the English Common Law, and an hierarchy of courts was set up to administer it.

Secondly, the judiciary in obedience to the law which it enforced and the precepts of the Common Law by which the judges were guided, acquired an independence of its own which placed it outside and indeed above the executive authority of the state. The courts of law, therefore, acquired a sanctity rooted in the respect of the people.

The courts were not afraid to judge at the bar of justice the actions of the executive or of the powerful individuals. The equality of all before the law, the fundamental principle informing the dispensation of justice, provided the ordinary citizen with a protective envelope of security in which he could go about his daily business of life confident of a remedy before an independent body which was subordinate only to the dictates of justice and was incorruptible.

In these circumstances the judicial system, a magnificent edifice of law and judicial precedent, of organisation and high tradition, became a part of the organic life of the people in a manner which it was not found possible for any other organ of the government to achieve.

The Legacy of the Pakistan Movement

Although the idea of Pakistan took a concrete shape only in 1940 the origins of Muslim nationalism, of which it was the expression, dated back to the nineteenth century. Similarly, the Muslim League which became the chief vehicle of the struggle for an independent state had been founded as early as 1906 at Dacca. The seven years long Pakistan movement, therefore, was the culmination of a long evolution born out of the historical experience of the Muslims of the subcontinent. In its turn, the movement exerted a profound influence on the subsequent political developments of the new country. Indeed, there is much in Pakistan's history which can be scarcely understood without a reference to the movement. It is with these aspects rather than with an historical account of the movement that we shall be concerned here, although the task of disentangling these features from their historical background is not always easy or possible.

It may be observed first of all, that the struggle for Pakistan was carried on essentially by constitutional or peaceful means. This fact, although it may not appear striking at first sight, was of profound significance. It pre-supposed freedom of expression and political association which was a new factor in Indian life and imperceptibly had come to be regarded as an accepted right. At the same time political agitation, for want of other avenues of expression, became a familiar means of voicing public sentiment on political issues. The struggle also demonstrated to the people the power of mass organisation. For the first time the common man who had hitherto only watched or suffered from the rise and fall of political regimes became a participant, even playing a part, in a struggle in which he felt his own future was intimately involved. These traditions, were passed on to the new state.

The movement for Pakistan was a people's movement, involving mass participation. Yet, if the creation of Pakistan, as it is rightly insisted, was made possible by the mass support of the Muslims of the subcontinent and was the product of historical forces, it is nevertheless a fact that the battle for Pakistan was fought almost single-handedly by Muhammad Ali Jinnah[1] or the Quaid-i-Azam (lit. great leader) as he was affectionately called by the nation. The ideal of Pakistan gave concrete shape to the aspirations which the Muslims had felt but vaguely. The response was tumultuous. For seven years Jinnah spearheaded the movement for a separate homeland with the burning energy of an indomitable personality in the closing years of his life. He lived to see the realisation of his dream, a state won in the face of determined opposition from the Indian National Congress, hostility from within the fold of the Muslims, and resistance from the British who, ignoring the legitimate aspira-

1. A renowned barrister of Bombay, Jinnah had been brought as if by a wave of history to lead the Muslims of the subcontinent at an historic moment. Westernised, with broad liberal commitments, Jinnah had spent the early years of his political life in the Indian National Congress as a radical nationalist. He was hailed as the ambassador of Hindu Muslim unity. Gradually, he turned away from this position by his own mental searching and by the inexorable pressure of historical circumstances. The breach when it came was final. Having become exclusively the spokesman of the Muslims he was drawn into the ethos and destiny of the nation to which he belonged to become the creator of Pakistan a year before he died.

tions of the Muslims until very near the time of independence, had remained resolutely committed to the preservation of India's unity. The passionate ardour of the Quaid's mission compelled a blind following of the people and his integrity their total trust. By the time Pakistan was established, the tradition of a mass movement led by a great charismatic leader of integrity had become an integral part of the historical experience of the people.

The political organisation through which the struggle for Pakistan was waged was the All India Muslim League which probably constitutes the most tangible legacy of the movement. At independence, the League which, like the Congress, had been a nationalist movement transformed itself into a political party and became responsible for shaping the destiny of the new country.

The tradition of the League was of exclusiveness, having acted as the sole spokesman of the Muslims in the cause of Pakistan. Opposition to the League had meant opposition to the Muslim cause. The growth of public opinion or of a tradition associated with a party system had no occasion to grow. Besides, the exigencies of the struggle called for a closing of ranks. As the bulk of traditional Muslim leadership remained outside, even hostile to the movement, leadership lay in the hands of Jinnah alone and organisation within the party was centralised. The tradition which was transmitted to Pakistan in the circumstances was that of a single party having centralised control, with supreme power vesting in its leader.

Due to its late rise, to which an allusion was earlier made, the League had insufficient time to develop leadership at even a second or a third level. The party had thus a small pool of trained political talent to draw upon when independence came. The preoccupation with the achievement of a separate homeland necessarily also led other issues to assume a secondary importance. "We shall have time", as Jinnah said, "for domestic programmes and policies, but first get the government. This is a nation without any territory or any government".[1]

Despite these limitations the Muslim League was the embodiment of the collective will of the Muslims of the subcontinent. It

1. Jamil-ud-Din Ahmad (ed.) *Some Recent Speeches and Writings of Mr. Jinnah*, Vol. II (Lahore: Ashraf, 1947), p. 393.

was the party which had won Pakistan. It was the party of the Quaid-i-Azam and in a mystical way the bearer of the ideology of Pakistan. All this added up to a great deal which the League could turn to advantage as it embarked on the task of administering the new country. With the achievement of Pakistan, the League's chief mission, however, had been fulfilled. Henceforward, it could command the support of the people only if it was able to respond to their aspirations, social, economic and political, and to fulfil new hopes which independence had opened up before all sections of the nation. These aspirations were rooted in social and economic realities and could not be satisfied by a recourse only to ideological appeal.

A vital aspect of the movement concerned religion which lay at the core of Muslim nationalism and had provided the impulse to the movement for Pakistan. Since Independence, religion has figured in various forms, raising important questions affecting political life. We shall not concern ourselves here with an examination of the larger question of Islam and politics. Nor is it proposed to question the validity of any particular view, much less to put forward any view of our own. The attempt in what follows is, to briefly indicate the circumstances under which religion became closely linked with the movement and to examine the implications which arose from this relationship.

The claim to an independent state had rested on the premise that the Muslims of India were a nation and, therefore, entitled to have a country of their own within the subcontinent in accordance with the liberal doctrine of self-determination. The separatist urge derived from a common faith, history and a distinct way of life. The differences between the Hindus and the Muslims were deep and pervasive. They were accentuated by the long history of Muslim rule in India. It is unnecessary to recall these differences which ranged from eating habits to the ban on inter-marriage. In their religion, historical memory and political aspirations the Muslims stood apart and in conflict with the Hindus.

The Muslims were, however, dispersed over the whole subcontinent though with major concentrations in the north west of India and in eastern Bengal. There were differences among them of race, language and of local affinities. Religion and social culture were

the bonds of unity which had combined with a shared historical consciousness to inspire them with a common destiny. The basis of nationhood was, thus, primarily an identity of faith and a common social ideal. It was not territorial, racial or linguistic unity as the concept of nationality is commonly understood in the West. Despite the disagreements which had existed among themselves, the Muslims became united in the common resolve to reject the hegemony of the Hindus. Moreover, as the religion of Islam embodied an outlook upon life, it inspired the Muslims with a desire to live according to their own inspiration. The secularism of Indian Congress, which implied a sacrifice of this freedom was therefore repelled.[1]

Although religion and common social ideals were the bonds of unity and provided a sense of separate identity and hence an impulse to the movement for a separate homeland, the movement could not be, as Callard has pointed out, a religious movement. "Its participants were of course Muslims but they were not religious leaders. On the contrary a large body of orthodox *Ulama* (men of religious learning) either held aloof from or actively opposed the struggle for Pakistan......The background of the men who organised the campaign was nottheology and Islamic law but politics and common law, not Deoband but Cambridge and the Inns of Court".[2]

The movement thus combined a nationalist aim with an identity based on Muslim unity. There was an apparent duality in the case of a western educated Muslim who believed in western democracy without abandoning his faith. In fact, democracy as a modern political arrangement for implementing the ideals of equality, freedom and justice was supposed to be nearer the traditional Islamic ideals. The roles of politics and religion were, however, conceived

1. "I entertain the highest respect for the customs, laws, religious and social institutions of other communities. Yet I love the communal group which is the source of my life and my behaviour; and which has formed me what I am by giving me its religion, its literature, its thought, its culture, and thereby recreating its whole past as a living operative factor in my present consciousness". Dr. Sir Muhammad Iqbal. *Presidential Address, Allahabad Session, December,* 1930 Delhi: All India Muslim League, 1945, pp. 10, 11.

2. Keith Callard, *Pakistan, A Political Study*, Allen & Unwin, Oxford 3rd impression 1968, pp. 199, 200.

as distinct. The latter was considered as lying mainly outside the business of politics. The tradition of British rule reinforced such a view. Even during the Muslim rule in India religious opinion, with few exceptions, had tended to line up behind temporal authority and did not seek to govern it. Among the general body of western educated Muslims no tension was thus felt between the impulsions of his religious faith and the political objective of Pakistan and a democratic ideal.

The ordinary Muslim who participated in the movement was not perturbed by question of theology or political doctrine. Though deeply religious it was not a theocratic state for which he aspired. Pakistan implied freedom from the British and the Hindus alike. The Islamic ideal meant equality and justice and the tradition of austere simplicity of the rulers. In the hard realities of life a vision of a happier life burst upon his imagination.

An orthodox Muslim, especially one who had been educated in the classic religious tradition, however, belonged to a different class. He envisaged and sought a fundamental reordering of society in accordance with Islamic injunctions which combined the spiritual and the temporal aspects of life, including the political. Religion was not considered a question merely of moral imperatives or ethical norms. It offered guidance on all practical aspects of life. As religion underlay the nationalist upsurge, the Pakistan movement, in his view, carried the obligation to establish an Islamic state.

The two streams of thought, the one born out of western influence and the other rooted in the orthodox tradition, had tended to flow together but almost to their mutual exclusion. No occasion had arisen in the past in which their respective positions could be harmonised or a synthesis attempted. Each view seemed to suffer from a limitation of its own. A view of government and politics was bound to be unrealistic which ignored the deeper moral convictions of the people. For the Muslims, as Dr. Ishtiaq Hussain Qureshi has observed, "no morality exists which does not find its ultimate sanction in Islam", in much the same way as Christianity has provided the ultimate basis of morality in the West. The limitation of the orthodox view sprang primarily from its having remained divorced from the practical management of the affairs of the State which had become unexampled in their complexity owing to the revolutionary changes which had taken place in economic life and

social structure affecting profoundly political organisation and administration.

The ideals implicit in the struggle for Pakistan, thus remained undefined in a concrete manner. Its implications did not matter in the exigencies of the struggle for a homeland. However, after independence, it could become a matter of great importance to define what kind of a nation the people of Pakistan would like to become. It was vital for a sense of purpose and for an impulse to national effort. The question had remained unanswered in any concrete form and was passed on to independent Pakistan.

Some Problems

The areas which constituted Pakistan were those in which the Muslims had constituted a majority of the population. The people of these provinces, however, did not have the tradition of having lived together as a single state, although the provinces formed part of what constituted British India. The Muslim League had tended to cut across the provincial boundaries by linking the people in a single political organisation. But the concept of Pakistan came much later. The League could not find sufficient time to establish roots in the provincial politics. The new state therefore faced the problem of integrating regional aspirations with national policy. This was true of India too, where despite the relatively superior control of the Congress the problem of regionalism confronted the new State which faced besides the thorny issue of more than five hundred Indian princely states. Some of the problems, however, to which Pakistan was heir may be noted.

The physical division of Pakistan into two parts, separated by about one thousand miles of Indian territory, presented a geographical feature which had apparently no close parallel in the world, a circumstance which, as Ian Stephens has observed, had given rise to misgivings about the survival of the new State.[1]

The Eastern part of Pakistan comprised the province of East Bengal (created by the division of the Bengal Province) and a portion of Assam. The provinces of West Punjab (originally a part of the province of Punjab), Sind, North West Frontier and Baluchistan

1. Ian Stephens, *Pakistan* (Penguin Books, 1964), p. 38.

made up the western wing, which also included about ten states and special areas.

The geographical separation of the two wings of the country was accentuated by differences of historical tradition, language and race, despite the deeply religious feeling of the people of East Bengal. After the eclipse of the sultanate of Bengal with the rise of British dominion, the Muslims in Bengal who were mainly concentrated in the eastern part sank into poverty and backwardness overshadowed by the rising commercial and political interests of Hindus in Calcutta and western Bengal. The Muslim resurgence found expression in the demand for separate electorates and one of the moving spirits behind the founding of the All India Muslim League was Nawab Salimullah of Dacca. Muslim support had also rallied firmly behind the partition of Bengal which was later revoked under the implacable hostility of the Congress under pressure from the commercial and professional interests of Hindus at Calcutta which were threatened by the likely rise of Dacca and Chittagong as new seats of government and commerce. With the introduction of responsible self-government under the Act of 1935 the Bengali Muslims after a long interval of time became politically ascendant over the whole of Bengal. After the provincial elections of 1937 A. K. Fazlul-Haq, popularly known as the Sher-e-Bengal (the lion of Bengal), and leader of the Krishak Praja Samiti Party (the party of peasants and tenants) formed the provincial ministry in coalition with the provincial Muslim League headed by Khwaja Nazimuddin,[1] an alliance under which A. K. Fazlul-Haq had moved the Pakistan Resolution at the historic session of the League at Lahore in March 1940. Later, however, in consequence of a conflict between the provincial Government and the central policy of the League, Fazlul-Haq was expelled and in the elections of 1946 the Muslim League captured 96 per cent of the Muslim seats. Bengal had given its most unequivocal support to the cause of Pakistan. "The tensions between national and provincial loyalties were resolved for the time being in favour of the former. The possibility of the revival of such a conflict —which, as one have seen, had already appeared as a political factor in 1937 and 1941 – disappeared from view in the excitement of victory".[2]

1. Nephew of Nawab Salimullah of Dacca.

2. Robert Jackson, *South Asian Crisis, India, Pakistan and Bangladesh*, Chatto & Windus, London, 1975, pp. 12, 13.

The Muslim Bengalis were mostly poor peasantry, oppressed by the absentee landlords, mostly Hindus. East Bengal had remained a hinterland of Calcutta where almost the entire industry of the province as well as commercial houses were located, mostly owned by the Hindus. The political ascendancy of the Bengali Muslims whose leadership sprang from the new middle class, had generated hopes of redress. On independence the centre of political power in the new country, shifted to West Pakistan. In terms of relative advancement, possession of natural resources, availability of emigrant capital, entrepreneurial skills and infra-structure, the west wing also enjoyed a position of overwhelming advantage over the eastern wing. A conflict latent in this situation presented on obvious challenge to national unity.

For historical reasons, the politics in the provinces comprising the western wing had also remained, though to a lesser degree, essentially provincial in character and the ambition of politicians mostly ended at that level. This was neither surprising nor a matter for criticism. As earlier noted, the Muslim League could only begin to gain influence in the provinces after it had adopted Pakistan as its goal. Thereafter, the events moved at a rapid pace towards independence, leaving little time for the League to establish a foothold in the provinces which came to constitute Pakistan. The provinces of the Punjab, Frontier and Baluchistan, it may be observed, had also been isolated from the political influences of the nationalist movements as a matter of deliberate imperial policy due to the strategic significance of these areas and their value as a source of recruitment for the army. In the Punjab, this objective was achieved by enlisting the support of the landowning classes, who were in many cases the creation of the British. Thus emerged, in opposition to the League, the Unionist party of Punjab, 'non-communal' in policy but firmly committed to the support of the British interests and indirectly supporting a united India. In the Frontier there was a political stirring under Khan Abdul Ghaffar Khan who organised a party called the Khudai Khidmatgar, under the banner of the Indian Congress, but its scope was limited and the political control of the province was effectively secured by the alignment of the landed gentry, and through the administrative management of the tribes by a system of Political Agents placed directly under the control of the central government. The sparsely populated

Baluchistan looked mediaeval compared with Punjab which was itself only just emerging into modern life. The political control of Baluchistan was secured by retaining the hereditary chiefs or 'Sardars' of the tribes in their customary position with powers, among others, to collect revenue, in return for maintaining tranquillity. Sind was separated from Bombay after the Act of 1935. Its political life during the ten years of its existence as a province before independence was dominated by the feuds of its powerful landlords carried on against a background of unspeakable conditions of the peasantry.

Thus, in the western wing too, a major issue facing statecraft was to integrate the regional with the national interests. However, the geographical compactness of the area, affinities of race and culture and a common historical tradition and outlook reinforced the powerful religious bond. In due course economic development and social inter-mixture were expected to exert their unifying effects.

Economic and Social Backwardness

In the task of building a modern democratic state the economic and social backwardness of the areas comprising Pakistan presented obvious difficulties. Despite imperial policy to keep these matters outside their main concern, many areas of India had moved ahead economically. Some of her ports had begun to develop from the time of the East India Company. With the rise of capitalism India became a new area for British investment. The requirements of defence and the need for communications contributed to the growth of economic life and industrialisation. India could boast of a steel mill as early as 1908 and it carried a name in the world for its textile industry at the turn of the century. The growth of commerce and industry led to urbanisations, the emergence of a middle class and professions and to the rise of modern cities. By comparison the scene in Pakistan was mainly rural and the traditional power-structure based on landowning dominated political life.[1] The masses, mostly illiterate, lived in abject poverty, steeped in apathy which centuries of powerlessness and insignificance had instilled. The individual was not a citizen but a petitioner and the government through the

1. Out of 86 Muslim seats in the Punjab Legislative Assembly, for example, 77 were rural. *The Punjab Legislative Assembly Debates*, Vol. I, 1937, pp. 1-6.

ages was looked upon in the local slang as '*Mai-Bap*' (mother and father). Long subjection to alien rule of the British bred characteristic attitudes and behaviour. Much of it was true of India as well. But there the emergence of other factors and developments had begun to transform the general scene.

In the foregoing account an attempt has been made to indicate the broad features of Pakistan's political heritage. The state had inherited a written constitutional instrument providing for a federal parliamentary system. The foremost task which confronted political leadership was to establish a representative system as the tradition of democracy was weak and the conditions for its success were lacking or imperfectly developed. Notably, the Muslim League had been insufficiently prepared for the work of democratic reconstruction. Its leadership only lay at the top and it had yet to develop a social and economic policy to respond to the new aspiration of the people. The state had inherited the apparatus of modern governance, but the institutions to which she was heir had largely grown in response to imperial needs and therefore required adaptation to suit the requirements of a democratic system. The greatest challenge came from the need to harmonize regional aspirations with the national objectives, or, in other words, to create unity out of diversity. These were difficult problems no doubt, but not beyond the reach of leadership with a vision and commitment. Vast energies had been released by the birth of Pakistan and the preparedness of the people for sacrifice was great.

CHAPTER II

The First Experiment

1947 - 58

Introductory

FROM AUGUST 1947 until October 1958 Pakistan tried to work a parliamentary system based on the Westminster pattern, first, under the Government of India Act of 1935[1] and, later under the shortlived Constitution of 1956. Although the experiment ended in failure, faith in democracy or a parliamentary form of government was not abandoned by the people. Fifteen years after the system had first collapsed, this faith reasserted itself and formed the basis of the Constitution of 1973. The rapid march of events makes these early years look like *ancien regime*, and they seem to lack interest at the present day. Yet the period has important lessons for a people still struggling to achieve a democratic existence. The period also merits attention because it witnessed the crystallisation of those tendencies which set the pattern for subsequent developments.

Jinnah had become the first Governor-General of Pakistan.[2]

1. As amended by Indian Independence Act, 1947.

2. The proposal of having a common Governor-General for both India and Pakistan favoured by Lord Mountbatten had to be dropped in view of opposition from Jinnah. Mountbatten, however, became the first Governor-General of independent India. The background of Jinnah's appointment is discussed by Chaudhry Muhammad Ali in his *The Emergence of Pakistan*, New York & London 1967, pp. 174-78.

The Constituent Assembly, originally intended for the federation of India and which had been indirectly elected by the members of the Provincial Assemblies, was split into two portions. One portion became the Constituent Assembly of Pakistan. The Indian Independence Act gave it two separate functions; to act as the Legislature and, as a constituent body, to frame a constitution for the country. The members who predominated in the Assembly belonged to the Muslim League, on which had fallen the mantel of authority.

For nine years the energies of the politicians were absorbed in evolving a constitution which could be acceptable to both Wings of the country. By the time, however, a constitution was framed in 1956, the balance of power had already shifted from the politicians into the hands of the bureaucracy. The Muslim League suffered decline and lost its hold in the east Wing. In the west, it suffered fragmentation. The regional political parties which rose in its place lent themselves to manipulation by the two politically ambitious Governors-General, mainly due to the shifting loyalties of the politicians.

Jinnah died in September 1948. Khwaja Nazim-ud-Din, who was then the Chief Minister of East Bengal, resigned his office to become the second Governor-General. In October 1951, Prime Minister Liaquat Ali Khan was assassinated. The double tragedy occurring within a short period of the emergence of Pakistan caused a vacuum in political leadership. A tussel for positions of authority followed. Ghulam Mohammad, a civil servant turned politician, who had been the Finance Minister in Liaquat's Cabinet was elevated to the office of the Governor-General.[1] He struck first at Prime Minister Nazim-ud-Din in April 1953 and later, in October 1954, at the Constituent Assembly itself to establish the supremacy of the administration over the legislature of the country and of the bureaucracy over the politicians. His successor, Iskander Mirza,

1. Ghulam Mohammad had spent about 20 years in the Audit and Accounts service of India. He was Finance Minister in Hyderabad State before he joined the first Pakistan Cabinet after Independence. Chaudhry Muhammad Ali who was the Secretary-General of the civil service also belonged to the Audit and Accounts service. He was a principal associate of Ghulam Mohammad as Finance Minister. He now succeeded to the office of Finance Minister as Ghulam Mohammad became Governor-General.

had also been a civil servant, having risen from the post of a Political Agent in the North-West Frontier Province.[1] He had a passion for authority and political manoeuvre for which the decaying political life of the country provided abundant opportunity. He had nominees in most of the political parties and operated a political party from behind the scene. The inter-Wing conflicts and the clash of personalities were compounded by his ambition. A crisis was reached which was not ended until the politicians and he both vanished from the scene and the army emerged as the major force in the body-politic to assume control of the state.

The parliamentary system thus after following a chequered course for about eleven years crumbled before the Martial Law in October 1958 and the period of the military-bureaucratic rule began. In the first phase, which lasted upto the death of Liaquat, the politicians were supreme. During the second phase, lasting until October 1958, the bureaucracy was in the ascendancy with the politicians playing a subordinate role.

During these ten years or so provincial ministries changed, often with bewildering rapidity, alternating with the Governor's rule. Finally, instability took possession of the central government itself which saw no less than five cabinets within two years of the adoption of the Constitution of 1956. In these happenings which bore the aspect of a palace intrigue, the people of the country were not involved as a general election was not held. They were only the spectators of change and the sufferers of its consequences. The course of these developments may now be briefly traced.

The Organisation of Authority

The difficulties amidst which Pakistan steered its course are too familiar to need a long account. Freedom, so it seems, had exacted its price. Carnage and communal violence attended the dawn of Independence. About seven million people uprooted from

1. Iskander Mirza was a captain in the army when he joined the Indian Political Service. He kept his military rank, becoming in due course Major-General, though he had continued to serve in a civilian capacity. In the text, however, he is referred to simply as Iskander Mirza to avoid confusion.

their homes in India, trekked down to Pakistan, to seek refuge and re-settlement. The problems of reprisals and the safety of the Hindus and Sikhs moving eastward weighed down on a skeleton administration, already strained to breaking point in dealing with the vast influx of people.

The partition line of the subcontinent cut across the two major provinces of Pakistan, namely, the Punjab in the west and Bengal in the east, which moved Jinnah to remark about a 'truncated' and a 'moth-eaten' Pakistan.[1] Unlike the case with India where these provinces lay on the periphery and the system of government was already established and functioning, in Pakistan a major dislocation of population and disruption of economic life and administration had been caused. A consequence of Sir Cyril Radcliff's award was the fatal demarcation of the Punjab boundary whereby overland access was allowed to India to the princely Muslim majority State of Jammu & Kashmir. Its significance became apparent when fighting with India broke out in Kashmir in October 1947, two months after Independence.[2]

The hostility which the Indian Congress leadership displayed towards Pakistan from the very beginning sprang not only from embittered memories of conflict and a sense of defeat, but also from the conviction that Pakistan was going to be short-lived and hence its collapse ought to be hastened. Even the Cabinet Mission had considered Pakistan as impracticable, a feeling shared by Lord Mountbatten himself. Pakistan's unpaid share of cash balances was withheld by the Indian government which showed itself equally determined to deprive Pakistan her share, of the large stocks of reserve arms, equipment, stores etc. belonging to the Indian army. Thus began the lamentable series of events embittering relations and widening misunderstanding between the two countries.

1. It was only in 1946 when Pakistan became a certainty that it was realised that the partition of India would entail the partition of the two historic Muslim majority provinces.

2. The controversial award is discussed by Chaudhry Muhammad Ali in his *The Emergence of Pakistan*, New York, 1967, pp. 203-21.

The organisation of the machinery of government had claimed the first priority. One of the first acts of the Quaid-i-Azam as Governor-General was to appoint senior British officers of the I. C. S. as Governors in three of the four provinces. Services of many other British I. C. S. officers were obtained to fill posts in the central as well as in the provincial governments. A large number of indigenous officers and staff emigrating from India, helped to fill the places left vacant by the departing Hindus and Sikhs. The basic structure of a developed system of administration was in existence. It was strengthened to meet fresh needs. The tasks confronting the new-born state did afford an opportunity, indeed no occasion, to examine the relevance of the system in the perspective of Independence. The traditional system rose in its full vigour almost in the natural course. The key positions went to the centralised services, crucial power being wielded by the members of the I. C. S. In the country's period of initial trial the bureaucracy displayed patriotic fervour, and by its success in meeting vast new responsibilities it won the respect of the people. It thus secured for itself a key position in the scheme of government.

The structure of British rule had rested on the Governors in the provinces assisted by the civil servants, serving in the secretariat as well as in the field jobs of administration. Key positions were held by the members of the Indian Civil Service (I. C. S.). With the introduction of partially responsible governments in the provinces the politicians had made an entry on the political scene but their powers were circumscribed and their activities were watched. The chain of authority between the Governor-General and the Governors had remained undisturbed. It was continued in the new state. Jinnah, to name one practice, continued to receive fortnightly reports from the Governors about the affairs of the provinces,[1] although the provincial ministries had been set up. Justification for the practice was, however, soon forthcoming. Political instability soon engulfed the provinces which were frequently placed under the Governor's rule directly under the control of the Central government.

The Supremacy of the Centre

Jinnah's position as the Governor-General was unique. He

1. The practice had been started by Lord Linlithgow.

could not obviously fit into the traditional pattern. As the creator of Pakistan he occupied, in the affections and esteem of the people, a position reserved only for the father of a nation. He was above any office which the country could offer. He personified the new state. On June 9, 1947 he remarked that he had done his job and appeared reluctant to assume any office. The long struggle had apparently taken a toll of his health. However, once he had entered upon the office of the Governor-General he could not but have been a powerful head of the state. The powers which by a convention were supposed to be exercised by a cabinet answerable to the Legislature as envisaged in the Act of 1935 came, almost in a natural way to be exercised by the Quaid.

Under the Act of 1935, powers were heavily weighted in favour of the Central government. The Act also armed the Governor-General with special powers to make the will of the Centre effective. These included the power to proclaim an emergency. The Governor-General in that event could make laws with respect to any matter enumerated in the Provincial Legislative List. The scope of these powers was now extended so as to cover circumstances arising out of any mass movement of population from or into Pakistan. The Governor-General also exercised control over the selection and dismissal of ministries in the provinces and under the newly inserted Section 92-A he could place the administration of a province under the rule of the Governor who was directly under him.

These special powers of the Governor-General were of course meant to be exercised in exceptional circumstances only. Occasions, however, arose soon after Independence which called them into use more frequently with far-reaching consequences. These developments may be briefly noted.

On August 22, 1947, the Congress ministry of Dr. Khan Sahib in the North-West Frontier Province was dismissed by the Governor under instructions from the Governor-General. Before Partition, a referendum had been held in the province in order to ascertain the wishes of the people of that province as to whether or not they wished to join Pakistan. Dr. Khan Sahib had offered to resign if the result of the Referendum went against the Congress Ministry, a position from which he subsequently resiled. In view of the result of the Referendum, in which votes had been cast overwhelmingly in favour

of Pakistan, the Provisional Government of Pakistan had formally moved the Viceroy to dismiss the Congress Ministry and instal a Muslim League ministry in its place. It appears that the Quaid-i-Azam had received informal assurance from Mountbatten who had later felt unable to oblige on the basis of a contrary advice which he had received from the India Office in London. It is, however, difficult to imagine that Mountbatten could have ignored the opposition of the Congress to such action.[1] The problem was thus passed on to Pakistan. "For a while", Lord Birdwood has written, "Dr. Khan Sahib clung to his responsibilities. But on the establishment of Pakistan and his refusal to take the new oath Jinnah removed him".[2]

The dismissal of the Congress Ministry, however, confronted Abdul Qayyum Khan, who was asked to form a Muslim League Ministry, with a difficult situation as the Muslim League Party in the provincial legislature at that time had 15 members against 21 members of the Congress. By January 1948, Khan Qayyum was, however, able to persuade seven members belonging to the Congress Party to join the Muslim League. Once secure in his position, Qayyum Khan who had at one stage been the Deputy Leader of the Congress Party in the Central Legislative Assembly, chose to suppress the opposition to sow the seed of discord from which the Province has not since recovered.

The other Ministry to go was that of Muhammad Ayub Khuhro, Chief Minister of Sind, on April 26, 1948. His dismissal came in the wake of a bitter conflict which had arisen between him and the Governor on the question, among others, of the distribution of portfolios which had paralysed administration. The politics of the province had shown a lamentable repetition of pre-Independence instability. The Province saw five ministries by the end of 1951. two of which were headed by Khuhro. On December 30, 1951, it was placed under the Governor's rule.

1. One may recall a later occasion when Mountbatten yielded to Congress pressure to remove Auchinleck. The matter of the Congress Ministry by comparison must have weighed more with the Viceroy, in view of the circumstances attending Partition and the appointment of Quaid-i-Azam as the Governor-General of Pakistan.

2. Lord Birdwood, *A Continent Decides*, London: Robert Hale, 1953, p. 35.

The problem concerning the resettlement of refugees arising from the non-cooperation of the Provinces had caused a proclamation of Emergency to be made, and under these emergency powers the Central Refugee Council directed the Provinces and the States to take up specified number of refugees for resettlement.

The issue of resettlement, incidentally, led to the resignation of Mian Iftikhar-ud-Din, Minister for the Rehabilitation of Refugees in West Punjab when his proposal of large-scale land reforms and the distribution of the released lands to the refugees was opposed by the Ministry and received no support from the Centre.[1] His exit accelerated the fragmentation of politics in West Punjab. The Muslim League Party split into two factions led by Premier Mamdot and Finance Minister Mian Mumtaz Daultana.[2] Internal dissension and maladministration eventually brought down on the province, the Governor's rule on January 24, 1949 (after Jinnah's death).

In East Bengal the political developments in the context of the centre-province relationship took a different complexion.

After Jinnah's death in September 1948, Khawaja Nazim-ud-Din became the second Governor-General with Liaquat Ali Khan continuing as the Prime Minister. The Muslim League Party in the Province split when the Governor under instructions from the Central Government appointed Nur-ul-Amin as the Chief Minister against the wishes of the Muslim League Parliamentary Party. This action was evidently against democratic principles. The province in which the Muslim League had taken birth and carried half a century's background of political awakening could not be expected to yield easily to what appeared as dictation from the Centre. The disenchanted members consequently broke away from the League and joined the newly formed Awami League of Hussain Shaheed Suhrawardy.

The Muslim League also failed to appreciate Bengali sentiments regarding their language. After the death of Liaquat, Khawaja

1. It is tempting to speculate on the socio-economic and political consequences which would have followed if the proposal had been carried through.

2. "In April, 1948, the Quaid-i-Azam summoned Mamdot, Daultana, and Shaukat Hayat Khan; the Revenue Minister, to Karachi to sort out the ministerial tangle, but even he threw up his hands in disgust". Chaudhri Muhammad Ali, *The Emergence of Pakistan* (New York & London 1967), p. 367.

Nazim-ud-Din had become Prime Minister. His statement at Dacca in 1952 that Urdu alone would be the State Language led to demonstrations by the students. As a result of police firing one student died and several others were injured. Indignation swept over the province. Nazim-ud-Din who had probably recalled a similar statement made by the Quaid-i-Azam in 1948 had misjudged the situation. Behind the language issue lay the growing discontent of the province. In the hour of his need in the following year he was to find no support from the province of his origin. The ineptitude of the League on the language issue contributed to its rout in the provincial elections of 1954. A number of political leaders had been detained in April 1952 during the language agitation. One of them was Sheikh Mujibur Rehman.

The reaction of East Bengal against the "dominance" of the Centre also arose from an accidental circumstance. At the time of Independence, there were very few Muslim officers who belonged to Bengal. There was, for example, only one officer from that province who had belonged to the Indian Civil Service. When the machinery of the provincial government was organised almost all the key positions in the Secretariat and outside were occupied by officers belonging to the Western region or by those who had emigrated from the United Provinces or Bihar of India and had opted for Pakistan. Most of the higher positions in East Bengal, as in the case of other provinces, were held by officers of the centralised services, mostly non-Bengalis.

East Bengal, therefore, began to regard itself as under the control of non-Bengalis. It provoked a reaction, notably against the Punjabis who predominated in the services. This feeling was unfortunately aggravated by the arrogance of behaviour displayed by many of the officers, a fact which became the more noticeable as they belonged to outside provinces, and the refusal or inability on their part to identify themselves with the people of the eastern region whom they had been called upon to serve.

In East Bengal the Politicians were the most influential class backed by the middle section of society. There were no feudal interests, no power yet of business or industry. The province had no vested interests in the civil services or the army either. Its representation in these fields was negligible. The clash between the

bureaucracy and the Bengali politicians soon emerged. The conflict, for instance, between Aziz Ahmad, who was the Chief Secretary and steeped in the colonial tradition and Finance Minister Hamid-ul-Haq Choudhury reached a point where it became the subject-matter of a judicial inquiry.

The problem lay deeper. The centre of political power was located in the western part. Viewed from Dacca the western Wing looked far away, remote and strange. East Bengal felt a lack of participation and it had no share in the real authority of the state. "A feeling is growing", Begum Shaista Suhrawardy Ikramullah remarked on the floor of the House on February 24, 1948, "among the Eastern Pakistani's that Eastern Pakistan is being neglected and treated nearly as a 'Colony' of Western Pakistan".[1]

Liaquat Ali Khan and the Cabinet form of Government

After the death of Quaid-i-Azam in September 1948, Khawaja Nazim-ud-Din who was then the Chief Minister of Eastern Bengal resigned his office to become the Governor-General. Effective powers were now exercised by Prime Minister Liaquat Ali Khan who had remained overshadowed by Jinnah. With the ascendancy of the Prime Minister and the Governor-General willing to act as a constitutional head of the state a cabinet form of government appeared to take shape.

A trusted lieutenant of the Quaid, Liaquat Ali Khan had begun to assume most of the responsibilities in the last days of the Quaid's life. "The death of the Great Leader less than thirteen months after the creation of Pakistan, was not so shattering a blow as had been feared. There was a Joshua to succeed Moses".[2]

Liaquat Ali Khan a long time lieutenant of the Quaid-i-Azam enjoyed popular support. He was an eloquent public speaker and his posture of defiance against India endeared him to the people. A long and selfless struggle in the cause of Pakistan conferred on him great prestige. He belonged to none of the provinces which constituted Pakistan. He could thus in a way be acceptable to all the Provinces and this fact gave him strength.

1. *Constituent Assembly of Pakistan Debates*, 24th February 1948, Vol. II, No. 1, pp. 6, 7.

2. *The Times*, London, October 17, 1951.

Perhaps the most notable achievement of the government was the Objectives Resolution[1] which was introduced by Liaquat and approved by the Assembly on 7 March 1949.

Described by Mr. A. K. Brohi as "the corner-stone of Pakistan's legal edifice", the Resolution was the first major step towards the framing of the constitution. It expressed the "will" of historically the first constituent body of Pakistan. It was enshrined in the constitutions of 1956, 1962 and of 1973. The Resolution laid down the concept of government as a sacred trust to be exercised by the chosen representatives of the people. It laid down the objectives of democracy, freedom, equality, tolerance and social justice as enunciated by Islam. It also expressed the resolve to enable the Muslims to lead their lives in accordance with the teachings of Islam, while

1. The Resolution reads:

"In the name of Allah, the Beneficent, the Merciful; Whereas sovereignty over the entire universe belongs to God Almighty alone and the authority which he has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by him is a sacred trust;

This Constituent Assembly representing the people of Pakistan resolves to frame a constitution for the sovereign independent State of Pakistan;

Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and the Sunnah;

Wherein adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures;

Whereby the territories now included in or in accession with Pakistan and such other territories as hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed;

Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes;

Wherein the independence of the judiciary shall be fully secured;

Wherein the integrity of the territories of the Federation, its independence and all its rights including its sovereign rights on land, sea and air shall be safeguarded ;

So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the world and make their full contribution towards international peace and progress and happiness of humanity".

permitting full liberty to the minorities to profess their own religions and develop their cultures.

Yet Liaquat was unable to bring about a consensus on the principles on which the constitution of the country could be framed. The Interim Report, produced in 1950, of the Basic Principles Committee set up by the Constituent Assembly in March 1949 to lay down the principles of the proposed constitution had to be withdrawn in face of strong opposition from East Bengal, although the Bengali members of the Committee had endorsed the Report.

Divisive tendencies within the body-politic had begun to appear. The Muslim League began to appear increasingly unable to synthesize the emerging inter-Wing differences. In the Cabinet itself there were two groups. One group was represented by the Finance Minister Ghulam Muhammad while the Bengali Group had its spokesman in the redoubtable Fazal-ur-Rehman who held the Commerce portfolio and often got the better of his rival. Similar alignment existed in the Constituent Assembly.

The weakness of the government was shown by having had to bring on the statute book Public Representative Officers Disqualification Act to bring under check erring or assertive politicians. Liaquat's political limitation was betrayed by his frequent tendency to equate the Muslim League with the nation, a tradition inherited from the pre-Independence role of the Muslim League but was inconsistent with the changed position of the League as a political party. The failure to tolerate and appreciate the role of the opposition cast long shadows.

His tenure was also clouded by the unearthing of a conspiracy by a group of senior army officers who had not reconciled themselves to Liaquat's acceptance of the ceasefire in Kashmir where hostilities with India had broken out in October 1947. It was a reminder of the fact that the feelings of the army could be ingored only at peril.

Muhammad Ayub Khan had been promoted as General by Liaquat and was sent to East Bengal as General Officer Commanding. General Ayub Khan had been away from the emotional climate prevailing in the army high command attending the hostilities in Kashmir. This fact had probably weighed with Liaquat, apart from Ayub's Aligarh background, in appointing him as the first Pakistani Commander-in-Chief of the army. It fell to Ayub Khan's lot almost

immediately he had assumed his new office to crush what came to be known as the "Rawalpindi Conspiracy".[1] It is worthy of notice that the political authority of the country so early in its career of responsibility had felt need of army support and that it happened to be Ayub Khan who was called upon to give it.

The decision to accept cease-fire in Kashmir obviously lacked the approval of the people. It represented a major set-back for the League. In spite of the mounting difficulties, Liaquat did, however, succeed in maintaining cohesion at the centre by dint of his prestige moderation and patience; by chosing his ministers with tact, balancing the regional pressures. His governance nevertheless was palliative rather than therapeutic. He failed to give to the Muslim League a forward-looking social and economic programme and thus to build the foundations of political power rooted in public support, linking the two Wings in common aspirations. The regional conflicts thus proved beyond the League's reach. Within the west Wing, Liaquat's alliances with the provincial leaders showed that expediency took precedence over democratic convention. It was becoming clear that more was needed than mere ability to survive. Meanwhile, deprived of the moral strength which springs from direct elections the members of the Constituent Assembly and the Muslim League high command began to lose their representative status and support among the masses. Liaquat had probably sought to strengthen the Muslim League in the provinces before holding a general election. His plans, if any, however, remained abortive, for he fell to an assassin's bullet while addressing a public meeting at Rawalpindi in October 1951. With his death a chapter closed in Pakistan's history. There was no Joshua to succeed him.

The Rise of Bureaucratic Power

By the end of 1951 it had become manifest that the central government had assumed a position of overwhelming authority. Assumption of administrative control of the provinces through the frequent imposition of the Governor's rule had made provincial autonomy evanescent. The Governor's rule in a province meant

1. See Lawrence Ziring, *The Ayub Khan Era*, Syracuse University Press 1971, p. 6.

rule by the officials. This remedy was resorted to even where re-elections or the inter-play of party politics to resolve the crisis would have been more appropriate if the democratic tradition was to develop. What was intended as a medicine had tended to become the normal food of the constitution. Vast powers in the circumstances began to concentrate into the hands of the bureaucracy on which from the beginning major reliance was placed for the governance of the country.[1] This was not apparent in the beginning as the personalities of the Quaid-i-Azam and to a lesser degree of Liaquat Ali Khan dominated the political scene.

Though the Muslim League maintained its outward majesty the signs of decline had begun to appear during Liaquat's time. Partly it was caused by a failure to observe parliamentary convention. For example, the appointment by Governor-General Nazim-ud-Din, under Liaquat's advice, of Nur-ul-Amin as the Chief Minister of East Bengal against the wishes of the provincial parliamentary party had split the League. A number of factors conspired to weaken the fragile structure of a representative system which had been raised on a bureaucratic foundation. The bureaucracy, a more disciplined and organised body, reasserted its power according as the League began to lose its hold over the affairs of the country. How greatly the League had lost its credit could be judged by the comments appearing in the press when the provinces of the Punjab and Sind were placed under the Governor's rule.[2] Its position in East Bengal was becoming worse.

1. It may be incidentally remarked that there were very few ministers who had experience of administration. "There was only one minister in the newly constituted West Punjab Ministry who could claim to have had some experience in the Provincial administration. He had been minister under Khizar Hayat but who had been dismissed in 1945 on charges of corruption and maladministration." See Khalid Bin Sayeed, *Pakistan, The Formative Phase*, Pakistan Publishing House, Karachi 1960, p. 235.

2. On the promulgation of Section 92-A in West Punjab, the *Pakistan Times* wrote : "The West Punjab Assembly had been dissolved. A selfish pack of men who have for the last 18 months revelled in people's misery and mocked the nobility of freedom have been asked to quit. Congratulate the Governor-General of Pakistan on this bold and wise decision". When the province of Sind was placed under the Governor's rule in 1951, the comment of the *Dawn* was : "The very spirit of an Islamic State in the spirit of justice and fair-play, and the operation of the system of Western democracy, as illustrated more than anywhere in the province of Sind had proved that neither the officials nor the general public can expect justice unless some curb is placed upon immature politicians still untrained in the liberal practice of that form of government".

The Battle for a Constitution

After the death of Liaquat, the regional conflicts between the eastern and the western Wings of the country came to the surface and presented an extraordinary dilemma in the framing of a constitution. With the ascension of Ghulam Muhammad to the office of Governor-General, the clash between the bureaucracy and the politicians crystallised into a conflict between the Governor-General and the Prime Minister. The conflicts of regions and personalities found the Constituent Assembly as the natural arena. It was in this supreme Legislature that the struggle for the supremacy of the representative system was fought and lost. The tangled web of political developments that followed are intertwined with the fate of the Constituent Assembly and to this we must now turn.

The plan for one Constituent Assembly for the whole of India had been given up in view of the impending partition of the subcontinent. The original Constituent Assembly was divided into two parts for the two Dominions. The first Constituent Assembly of Pakistan originally comprised sixty nine members. The States of Bahawalpur and Khairpur, Frontier, Baluchistan and the Tribal areas were given additional seats. The Constituent Assembly had been indirectly elected in 1947 by the members of the provincial assemblies. It enjoyed the powers and functions of the central legislature under the Government of India Act of 1935. The Indian Independence Act gave it two separate functions; to prepare a constitution for the country and to act as the Federal Legislative Assembly or Parliament until the new constitution came into being.

There were only two parties in the Constituent Assembly. The Muslim League representing all the Muslims with the exception of one or two members, and the Congress Party representing twelve million Hindus mostly in East Bengal. The Muslim League had 59 members and included some of the principal associates of Jinnah in the movement of Pakistan. The members from East Bengal were mostly of middle class origin in contrast with the western Wing which was represented by many landlords. The only opposition to the Muslim League in the Constituent Assembly, therefore, came from within, in the shape of different groups.[1]

1. The inadequacy of the Constituent Assembly has been discussed by Keith Callard in, *Pakistan: A Political Study*, Allen & Unwin Oxford, pp. 77-123. At the time of its inauguration the first Constituent Assembly had 69 seats. At the end of its life the number did not exceed 79, although all the seats were not filled.

Curiously, the biggest problem which faced the constitution makers arose from the nature of the state itself posing a problem of unusual complexity to which an allusion was made in the preceding Chapter. In brief, East Bengal had more population, aspired for democratic self-expression and an improvement in its economic conditions. It was, however, only about one-sixth the size of West Pakistan. The west Wing, besides having a larger area, advantages of strategic situation and natural resources, also predominated in the services and in the army and was apprehensive of Bengali predominance. A thousand miles of Indian territory separated the two parts. A complicating feature was that East Pakistan owed its majority to the Hindu minority. The problem of devising a constitutional arrangement acceptable to both Wings of the country was destined to tax the resources of statesmanship for nine years. We may in outline recount the efforts made towards the framing of the constitution.

On March 12, 1949, the Basic Principles Committee comprising twenty-four members was appointed by the Constituent Assembly to report on the main principles by which the constitution of Pakistan was to be guided. The Interim Report of the Committee produced during Liaquat's Prime Ministership in 1950 proposed a bicameral Legislature. The lower house was to be elected on the basis of population. The upper house comprising the provinces of East Bengal, the North-West Frontier Province, West Punjab, Sind and Baluchistan were given equal powers. Matters of dispute were to be decided by a joint session. It ensured in practice the supremacy of the Western Part of Pakistan. The report had to be withdrawn in face of strong opposition from East Bengal, although the Bengali members of the Committee had been a party to it.

After the death of Liaquat, under a complicated arrangement Khawaja Nazim-ud-Din, who was then the Governor-General and had been performing his duties as a constitutional head became Prime Minister. Ghulam Mohammad who was the Finance Minister moved up to the office of Governor-General. Chaudhry Muhammad Ali who had been the head of the civil service and an associate of Ghulam Muhammad entered the Cabinet and became Finance Minister. Both the Punjabi and the Bengali groups had united in this arrangement, with a Bengali as the Prime Minister and a Punjabi

as the Governor-General. Sardar Abdur Rab Nishtar who was considered to be the legitimate heir of Liaquat by most of the Muslim Leaguers was ignored. He was apparently considered too independent and forceful by the group representing the Punjab whose spokesman now occupied the office of the Governor-General. The new Governor-General, however, did not cause much fear among the Bengali group in the Constituent Assembly as he was an ailing person.

The Bengali group was placed in a dominant position in the Legislature, having 33 out of 60 Muslim League members. Dacca also enjoyed political alignment with Karachi and the North-West Frontier Province where Shahabuddin (Nazim-ud-Din's brother) was the Governor, supported by Chief Minister Abdul Qayyum Khan. There were, besides, Bengali Ministers in the cabinet itself. The opposing group apart from its members in the Constituent Assembly had its main strength in Ghulam Muhammad, the new Governor-General, who in turn relied on the power of the army and the support of the administrators.

The second report of the Basic Principles Committee in 1952 recommended a scheme based on the principle of parity. The upper House was to have 60 members each from both the Wings of the country. East Bengal was one unit whereas West Pakistan comprised the provinces of West Punjab, North-West Frontier Province, Sind and Baluchistan besides Karachi, Tribal areas and the States of Bahawalpur, Khairpur and of Baluchistan. It was now the Punjabi's turn to oppose the proposals on the obvious ground that the Bengali group by aligning itself with one or more provinces of the western Wing could command a majority. The opposition spearheaded by Mian Mumtaz Daultana, the Chief Minister of West Punjab, represented the viewpoint of Chaudhri Muhammad Ali, Mushtaq Ahmad Gurmani and other Punjabi leaders. If there was to be a federation, it was insisted, then no single province would be in a position to dominate the other provinces. Yet just how this could be achieved was not clear.

The regional conflicts were underpinned, indeed caused, by the apprehensions of certain vested interests in the west Wing. The western region was heavily represented in the armed services and the bureaucracy. The landed classes, whence sprang most of the politicians in the west Wing and the growing industrial and commercial

concerns, notably in Karachi, were also headed in or controlled by West Pakistan. These interests were understandably apprehensive of Bengali predominance which, it was feared, would involve a sharing of authority and privilege and possibly worse in the shape of radical economic and social reforms. The land reforms carried out by East Bengal soon after Independence had frightened the landowning class in the western region. With the abolition of the Permanent Settlement of East Bengal in 1950 there were no feudal landowners in East Bengal. Not all the apprehensions were ignoble. There was a genuine concern, for example, about the problems of defence and security. However, the position of dominance inherited on Independence, made the west wing look upon the eastern wing as less than its equal and denied the logic of democracy with far-reaching consequences. The conflicts were overlaid by many other factors. The Bengalis, for example, contrary to their historic stand, insisted on joint electorates in order to maintain their majority which they owed to a sizeable Hindu minority. West Pakistan, for the opposite reason, demanded separate electorates and invoked the ideological basis of the country to preserve vested interests. To these factors was added the desire on the part of many members of the Assembly to perpetuate their existence which tended to protract the process of constitution-making.

Martial Law in Lahore

While the regional differences thus stood in the way of a consensus on the principles on which the constitution was to be framed, an unexpected event burst on the political scene which was destined to change the political course of the country.

On 21st January, 1953, a deputation of the *Ulema* authorised by the *Majlis-i-Amal* set up by the All Pakistan Muslim Parties Convention delivered to Prime Minister Khawaja Nazim-ud-Din an ultimatum which threatened to resort to direct action if within a month Qadiani Ahmadis were not declared a non-Muslim minority and Chaudhri Zafarullah Khan, the Foreign Minister, who was a Qadiani, and other Ahmadis occupying key posts in the state were not removed from their offices.

The Ahmadis were a religious sect which questioned the belief universally held by the Muslims that Prophet Muhammad was the

last of the Prophets. The opposition to their sect had been as old as the sect itself which was founded in 1901 and it is difficult to exaggerate the passionate belief with which the doctrine of the finallity of prophethood is held by the Muslims.

The demands set out in the ultimatum, therefore, reflected very strong feelings of the Muslims in general. A large section of the religious ulema, it may also be observed, had felt dis-illusioned and dissatisfied at the failure of the Government to establish an Islamic State. They had also been denied a share or a say in the governance of the country for which they had hoped for. The moving spirit behind the agitation was the *Ahrar*, a political group which had aligned itself with the Indian Congress before Independence and was unsparing in its denunciation of the Muslim League and the Quaid-i-Azam down to the day of the Partition. Frustrated and disillusioned, seeing no role open before them, the *Ahrar* had sunk to obscurity after Independence. It soon, however, sprang into activity, took up the issue for which it had agitated before in a bid to stage a come-back. The *Ahrar* had, however, now turned itself into a purely religious body and as a political stratagem it had aligned itself with the Muslim League. Its name had been deleted from the list of the nineteen parties which were banned for the Muslim Leaguers.

The political conditions in the country were none too happy. Nazim-ud-Din, though a respected man had failed to make an impression due to a weak and irresolute disposition. There was food shortage in the country and trade had shown signs of depression after the Korean war boom had ended.

All through 1952 a storm brew. The central ministries and the representatives of the West Pakistan provinces in a conference held in the early hours of the morning of 27 February 1953 took a fateful decision. It was decided to reject the ultimatum and to arrest the prominent members of the Majlis-i-Amal. The situation could not have been more badly misjudged.

The province of Punjab went up in flames. The disturbances which immediately broke out spread fast and grew alarming. Daultana was neither averse to these developments nor dared oppose them. He sought to switch the agitation towards Karachi to the discomfiture of Nazim-ud-Din. A political clash between the

Punjab leadership and the central government of Nazim-ud-Din cast its shadow over the whole country. Nazim-ud-Din when faced with the crisis appeared undecided, being torn by conflicting considerations. It was the Defence Secretary, Iskander Mirza, however, who decided to take firm action with the support of the army and imposed Martial Law in the province. He found no difficulty in forcing it on the irresolute Prime Minister who probably welcomed the prospect of being rescued out of a perilous situation which was not of his own making.

Dismissal of Prime Minister Nazim-ud-Din

Nazim-ud-Din, however, forced the resignation of the Punjab Chief Minister, Daultana. In the ensuing crisis, Nazim-ud-Din paid the price too. He was dismissed by Ghulam Muhammad in April 1953. Nazim-ud-Din commanded a majority support in the House. In fact, the budget had recently then been passed. This action, whatever be its justification, could not be defended on any principle of parliamentary Government. The Governor-General, so it seems, could not have succeeded without the support of the Army and of the politicians representing Punjab in the Constituent Assembly.

"The price of the Governor-General's *coup* was high", as Callard has observed. "Three major conventions of cabinet government had been destroyed or gravely weakened. First, the tradition of the impartiality of the Governor-General had been demolished. Second, the convention of cabinet and party solidarity had been disregarded. Third, the role of the Legislature as the maker and sustainer of government had been impugned". As Callard has rightly remarked the action was aimed as much against the Assembly as against the Prime Minister.[1]

The dismissal of the Prime Minister signalled the entry of the army in the body politic as a major force. The relief with which Martial Law was received by the people in the west wing awakened in the army a sense of its own power and position in the body-politic. It demonstrated that the rule by army could not only be effective but

1. Keith Callard, *Pakistan, A Political Study*, (Allen & Unwin, Oxford 1968), p. 137.

that it could also be acceptable. The politicians who were the legitimate heirs of British authority went down in public estimation. The military-bureaucratic rule was now on its way to gaining legitimacy. This was true of the west wing but not so in the case of East Bengal where the dismissal of Nazim-ud-Din caused the first major blow to the confidence of East Bengal.

The position of Nazim-ud-Din was forlorn. The Muslim League Parliamentary Party was divided. The Bengali Members felt unable to put up resistance on his behalf, while the Punjabi members stood firmly behind the action of the Governor-General, a melancholy fact indeed that men like Chaudhry Muhammad Ali and Mushtaq Ahmad Gurmani placed their own interest above democratic convention in a moment of constitutional crisis. As for the people, the democratic tradition counted for little.

Muhammad Ali Bogra, a civil servant, who was at that time Pakistan's ambassador in the U. S. A. was summoned and hoisted as the new Prime Minister on the Muslim League Parliamentary Party which was still smarting under the humiliation inflicted upon it by the dismissal of Nazim-ud-Din. However, six of the nine ministers of Nazim-ud-Din's cabinet (including Chaudhry Muhammad Ali) had joined the new government. The remaining three (including Nishtar) had been removed alongwith Nazim-ud-Din. The constitutional proposals presented to the Assembly in October 1953 went a long way towards satisfying the demand of the west wing. It proposed the election of the lower house on population basis but the upper house was to comprise equal representatives from all the five constituent units. In joint sittings each of the two wings would have equal representation. Powers were divided equally. Deadlock could be resolved by a joint sitting, but the majority must include at least 30% of the total members belonging to each Zone. This somewhat complicated mechanism had been worked out to satisfy the two regions but it could still be feared that the Bengalis, by combining with one or more provinces, could still manage the requisite majority. The Prime Minister, however, announced that the proposals had met with the approval of the Cabinet, the Chief Ministers and the members of the Muslim League Parliamentary Party.

The constitutional proposals foundered on the result of the elections held in East Bengal in 1954 which reduced the strength of the Muslim League from a position of an overwhelming majority to a mere 10 members in a house of 309. From now on the Muslim League could hardly claim to be the major national political party and it ceased to be a factor of significance in the province of East Bengal. The representative capacity of the Bengali members of the Muslim League Parliamentary Party in the Constituent Assembly, had been undermined.

The United Front Party which had triumphed in the provincial elections formed a ministry under A. K. Fazlul Haq in East Bengal but it soon fell foul with the Central government on account of its advocacy of autonomy and its failure to maintain law and order.[1] A. K. Fazlul Haq had also aroused violent reaction by his advocacy of a united Bengal. The ministry was dismissed on May 29, 1954, and the province was placed under the Governor's rule. Iskander Mirza, who was then the Defence Secretary, was sent as the Governor.

The result of the provincial election set in process the polarization of politics between the two wings. The constitutional scheme in the changed circumstances had to reckon with the possibility of the Bengali's exploiting the differences among the provinces of the western wing. The fears of the political leaders from the Punjab could not be easily allayed. Against this background, the proposal for the integration of the provinces in the west wing into a single unit took shape.

In order to bring the provinces of the North-West Frontier, Sind and Bahawalpur in favour of the proposed integration of West Pakistan, pressures were mounted and proceedings under the PRODA were threatened by the Governor-General, which were hinted even against the Prime Minister himself who had shown himself less docile than it had been anticipated. Although Bogra commanded a majority in the Assembly, the memories of Khawaja Nazim-ud-Din's fate were fresh in the minds of the members. A strategy was, therefore, worked out to clip the wings of the Governor-General. On September 20, PRODA was repealed. On the next

1. There had been fearful riots in the Jute Mills at Naryanganj.

day, Government of India (fifth amendment) Bill was moved whereby the Governor-General could not dismiss a ministry which enjoyed the confidence of the Legislature. It appeared that Prime Minister Bogra did not expect opposition from the Governor-General who was then very ill.[1] Yet, within days, the Governor-General struck. The Prime Minister was summoned back from the U. S. to lend his support to the dissolution of the Constituent Assembly on 24 October, 1954. While the dissolution of the Assembly was ostensibly provoked by the hasty act of the Legislature, it has to be remembered that the draft constitution which was due to be adopted on 25 December 1954 with the Governor-General's approval on the day of Quaid's birth had (under article 63) disabled the Governor-General from dismissing a ministry which commanded the confidence of the house. It is, therefore, reasonable to assume that the Governor-General struck at the Assembly in order to prevent it from passing a constitution to which he stood opposed.

The Governor-General was, however, held to have acted within his right by the Federal Court in its advisory opinion, on the ground that the Constituent Assembly had failed to provide a constitution for the country, a duty assigned to it by the Indian Independence Act.

The order of the Governor-General dissolving the Constituent Assembly was challenged by Maulvi Tamizuddin Khan, President of the Constituent Assembly, in the Chief Court of Sind, by a writ petition filed under Section 223-A of the Government of India Act, 1935. This section had been added by the Government of India (Amendment) Act of 1954, passed on 16th July 1954. A full Bench of the Chief Court gave its verdict in favour of the President of the Constituent Assembly whereupon the Governor-General filed an appeal in the Federal Court.[2] By a majority judgement delivered by Mr. Muhammad Munir, Chief Justice, it was held that since section 223-A of the Government of India Act under which the Chief Court of Sind had issued the writ had not received the assent of the Governor-General, it was not yet law and, therefore, the Chief Court had no jurisdiction to issue the writs. The dissolution of the Constituent Assembly was upheld on the ground that it had failed to provide

1. He was reportedly hardly in full possession of his faculties.
2. Constitutional Appeal 1 of 1955.

a Constitution for the country.[1] Leaving aside the legal tangle to which this decision gave rise, it may be observed that the *coup* of 1954 caused no stir among the people, coming as it was fast on the heels of the first coup of 1953 in which Nazim-ud-Din had been dismissed.[2] Power fluctuated at the top. The people were not involved. No power radiated from below. As Binder has expressed: "no public protest was raised, no procession taken out, no further agitation went on; the man in the street was unconcerned, completely indifferent".

"A Cabinet of Talent"

"A cabinet of talent", as it was called, assumed office. Muhammad Ali Bogra continued as the nominal Prime Minister, alongwith three other ministers (and two ministers of state). The main direction of the affairs of the country had, however, been placed in the hands of the administrators and the army. The Governor-General had himself been a bureaucrat and had never made a secret of his contempt for the politicians and of his deep admiration for the Viceregal system of government. Iskander Mirza, was made the Interior Minister. The former head of the civil service, Chaudhry Muhammad Ali, retained Finance.[3] The Commander-in-Chief of

1. Cornelius, J. (as he then was) recorded a dissenting judgement holding that the assent of the Governor-General was not necessary to give validity to the laws passed by the Constituent Assembly as the Governor-General was not a part of the Constituent Assembly.

The decision of the Federal Court had the consequence of rendering invalid all laws passed by the Constituent Assembly since its creation as none had ever been placed before the Governor-General for his assent. In 1972 in the case of *Asma Jilani versus Government of the Punjab* (P. L. D. 1972 Supreme Court 139, page 214) the interpretation placed by the Chief Justice, on Section 6 and 8 of the Indian Independence Act of 1947 was held "*ex facie* erroneous" and was stated by the Supreme Court to have been based on an erroneous interpretation of the law.

A fateful result of the decision was that Iskander Mirza made his own election by the Assembly as President a condition precedent to his assent to the Constitution of 1956.

2. "It was the civil servants' second coup, more thorough than the first". Ian Stephens, *Pakistan*, Pelican Books 1964, p. 294.

3. He had been Finance Minister since 1951.

the Army, General Muhammad Ayub Khan, became the Defence Minister.[1]

Iskander Mirza, the new Minister of the Interior summed up the philosophy of the ministry. "They (the illiterate masses) elect crooks and scalwags", he declared. "The scalwage make a mess of everything and then I have to clean up the mess. Democracy requires education, tradition, breeding and pride in your ability to do something well".[2]

The foremost objective before ministry was the integration of West Pakistan into a single unit. This was what the political leaders from the Punjab, notably Ch. Muhammad Ali, Gurmani and Daultana had been pressing as a condition precedent to a constitution settlement with East Bengal. General Ayub Khan, for reasons of strategy and economy had come to a similar conclusion and had pleaded for the Punjab accepting less than her due share in the larger interests of the country.

But the minority provinces were fearful of losing their identity which was likely to be submerged in the larger unit in which Punjab must predominate. The strategy devised to carry the scheme into effect aggravated such fears. The implementation scheme was embodied in the One Unit documents.[3] "The combination of force and cunning that the documents recommended should be used in integrating West Pakistan suggests that the author must have modelled his plan on Machiavelli's *Discourses*".[4] The plan recommended that "all opposition of which we are morally convinced that it is motivated by evil must be made inoperative". It recom-

1. The new cabinet included nine ministers who did not have a seat in the Assembly, at the time of its dissolution. They included General Ayub Khan, C-in-C. of army; Iskander Mirza (Governor of East Bengal): M. A. H. Ispahani, the High Commissioner in London; H. I. Rahimtoola the Governor of the Punjab; Col. Abid Hussain Shah and Sardar Mumtaz Ali Khan, from the Punjab; and Mr. Ghulam Ali Talpur from Sind, landowners. The cabinet also included two ministers from the opposition, namely Dr. Khan Sahib (dismissed as Chief Minister of N. W. Frontier province in 1947) and Mr. Hussain Shaheed Suhrawardy leader of the Awami League.

2. *Reporter*, January 27, 1955, p. 32.

3. Their authorship is attributed to Mumtaz Daultana. See Khalid Bin Sayeed, *The Political System of Pakistan* (Oxford 1967), p. 77.

4. *Ibid.*, p. 77.

mended 'the dismissal' of Pirzada Abdul Sattar a 'self-denying ordinance' on Noon (Sir Feroze Khan Noon), "unreserved support to Rashid" (a former Inspector General of Police of N.W.F.P. and then Chief Minister of North-West Frontier Province), "stilling his suspicions, fortifying his nerve", and employment of various other means such as the use of news media and of the *mullahs*.

The documents when disclosed to Sardar Abdur Rashid outraged him. The consequent opposition of Abdul Ghaffar Khan and Sardar Abdur Rashid was only overcome by offering the Chief Ministership of the newly created province of West Pakistan to Dr. Khan Sahib. The regime was determined on speedy action. In Sind, Prizada was dismissed and replaced by Khuhro who produced a dramatic reversal of votes by the provincial assembly in favour of one Unit. The province of East Bengal had been under the Governor's rule since May, 1954. On March 27, 1955 the Emergency Powers Ordinance was issued to amend the Act of 1935 and to invest the Governor-General with the powers to establish the province of West Pakistan. The politicians acquiesced.[1]

But the Governor-General was thwarted in his attempt by a decision of the Federal Court[2] which denied to the Governor-General the right to arrogate to himself the functions of the Constituent Assembly, although it had earlier, in Tamizuddin Khan's case, conceded to him the power to dissolve it. Unable to override the decision of the Federal Court, the Governor-General felt obliged to call into existence a new Constituent Assembly.[3]

The Second Constituent Assembly and the Constitution of 1956

The new Constituent Assembly met on 7 July 1955. Out of its 80 members the Muslim League had only 26, all except two from

1. As the members of the Constituent Assembly were indirectly elected by the Provincial Assemblies it was therefore felt necessary to control the provincial governments.

2. *Usif Patel and two others versus the Crown.* (P. L. D. 1955 F. C.) 387.

3. He could only ignore, so it seems, the Federal Court's decision with the support of the Army which was apparently not forthcoming. Ayub Khan later spoke of several offers made to him by Ghulam Mohammad to take over the country.

West Pakistan.[1] In view of the drastically changed party position Muhammad Ali Bogra, whose enthusiasm in any case had worn out, was replaced by Chaudhry Muhammad Ali. Meanwhile, Ghulam Muhammad was succeeded by Iskander Mirza. The two major achievements of the Second Constituent Assembly were the establishment of the province of West Pakistan (30 September 1955) and the First Constitution of Pakistan passed on 23 March, 1956.

The Constitution of 1956 which provided for a federal parliamentary system has been justly acclaimed as the work and achievement of Prime Minister Chaudhry Muhammad Ali whose tireless exertions in bringing about a consensus deserve to be recorded.[2] But the Constitution barely lasted two turbulent years of a triangular conflict of power between the two Wings and General Iskander Mirza who was elected the first President under the Constitution.[3] Two features of the Constitution, however, must be noticed here. First, the retention of One Unit or the integration of the provinces of the Western Wing into a single province called West Pakistan. Secondly, the principle of a parity representation between the two provinces, namely, East Pakistan and West Pakistan in the federal legislature. These provisions were to survive until 1970 when they were revoked by the unilateral will of General Yahya Khan who had assumed power after the fall of Ayub Khan.[4]

During less than two years of the adoption of the new Constitution, Pakistan had four Prime Ministers. It is not of much interest now to tell the dismal story of politics during this period, marked as it was by lack of principles, opportunism and an unabashed struggle for power. Political conflict in West Pakistan was soon provoked by the decision of the Muslim League under Daultana's leadership to oppose Dr. Khan Sahib who had been made the Chief Minister originally with Daultana's consent. Dr. Khan Sahib, with Iskander Mirza's support, promptly reacted by luring away 26 out of the 30 members of the Muslim League to form the Republican Party.

1. The United Front had 16, Awami League 13, Congress 4, Scheduled Caste Federation 3, United Progressive Party 2 and others 16. The composition of the Assembly was thus heterogeneous.

2. The Constitution Committee was headed by H. S. Suhrawardy.

3. See footnote to p. 47.

4. See Chapter III, page 54, *infra*.

In the tussel for power, a small group of National Awami Party (supported by Khan Abdul Wali Khan and G. M. Syed of Sind) committed to dissolve West Pakistan, curiously held the balance of power. The Muslim League which had been the moving spirit behind the integration of West Pakistan sided with the minority group to bring down the Republicans, who were in turn saved by the imposition of the Governor's rule. They re-emerged again but this time found it more expedient to support the National Awami Party group. Syed Hassan Mahmood has given an interesting picture of the uncertain party position in the provincial assembly.[1]

If President Mirza was supporting Republicans in West Pakistan, in East Pakistan he had placed the weight of his authority behind the Krishak Saramik Party as against the Awami League of Hussain Shaheed Suhrawardy. At the center, Chaudhry Muhammad Ali lost majority and abandoned efforts to regain it, the intrigue having probably proved too much for his sedate temper. Suhrawardy who became Prime Minister in September 1956 headed a coalition cabinet of the Awami League and the Republicans. The distrust between Mirza and Suhrawardy was acute. With some Republicans withdrawing support, Suhrawardy attempted to forge an alliance with the members from Punjab by taking a stand in favour of One Unit. His advice to the President to summon the National Assembly so that he could find out his position in the House alarmed Mirza who saw in the move a design to shift decision from the Governor-General to the Assembly. Suhrawardy was promptly made to resign. (October 11, 1957).

Sir Feroze Khan Noon, who succeeded Suhrawardy failed to win President Mirza's confidence. The latter suspected, perhaps with justification, that Noon had been offered Presidentship by Suhrawardy. Mirza was not the man to yield authority. In fact the political fragmentation and unprincipled conduct of the politicians provided him with superb opportunities for intrigue and political manoeuvre. His overriding concern now was to continue as the

1. "On May 31, the Budget was passed by a clear majority. At one stage of voting, where there was confusion as to who had won, Mr. Daultana with some of his eminent colleagues staged a 'Bhangra' dance on the floor of the House, under the impression that his party had won. Ultimately it was established that they had lost". Syed Hassan Mahmood, *A Nation is Born* (Lahore: 1958), p. 57.

President after the General Election, due to be held in February 1959. The prospect of elections sent the politicians seeking for position as success belonged to those who wielded authority. Mirza found the stage opportune in East Pakistan to put his men in position. A no-confidence motion against the speaker, suspected of supporting the opposition, was met under Mirza's prompting with an assault on the Deputy Speaker who was a member of the Awami League. The victim, a few days later, succumbed to the injuries. This happened in the House on 23 September, 1958.

The political life in the country had been reduced into a farce. The hopes which had attended the Constitution of 1956 as ushering in a democratic era were disappointed. These hopes were founded on the naive assumption that a constitution was automatically capable of bringing into existence a democratic form of government whereas, as students of politics are aware, such a system need not even depend on a written instrument. The establishment of a party-system, or even a single national party but democratically committed (as a majority can be no less tyrannical than despotism) eluded Pakistan. The Muslim League within a few years lost ground in East Pakistan. Its fragmentation in West Pakistan was only delayed by the hold exercised by the bureaucracy. If it lacked a programme, its leadership which ruled after Independence also showed that the implications of democracy were either not understood or cared for. It not only acquiesced in the dismissal of Prime Minister Nazim-ud-Din but lined up behind the Governor-General in his actions, and six members of Nazim-ud-Din's Cabinet adorned the Cabinet of Muhammad Ali Bogra. Time and again they were only too willing to switch loyalties and to prefer office to principle. There was an unreality about politics. The Assembly was a diminutive body and it operated as if the nation did exist. Power fluctuated between well-known groups. Their overriding concern was to gain and then to hold on to power. The fear of accountability was non-existent as the general election was never held. Among the people, the democratic tradition mattered little. Curiously, the powers vesting in the President under the Constitution of 1956 to nominate the Prime Minister proved an instrument of great power in his hands due to party instability and the shifting loyalties of the members who tended to line up behind the President's nominee.

The situation obviously could not continue indefinitely and it seems that about the time of the ugly scene in the provincial Assembly meeting at Dacca a "tactical outline" had been prepared to impose Martial Law in the country. The man behind the plan was General Muhammad Ayub Khan who apparently had decided that the politicians had had enough.[1] "During the night of 7-8 October a group of Generals led by the Commander-in-Chief seized power, and by means of a proclamation issued through the President abrogated the Constitution of 1956, dismissed the Central and Provincial Cabinets 'with immediate effect', dissolved the Central and Provincial Legislatures, abolished all political parties throughout the country, and imposed Martial Law."[2] For a while it was not clear who was the power behind this action. Mirza's attempt to retain the substance of authority and his later orders to General Musa to arrest Ayub Khan led to Mirza's permanent exile. "I was sorry for him", Ayub wrote, "but then he could be loyal to no one". Ayub Khan had been nominated by Mirza as the Chief Martial Law Administrator and Prime Minister. By an order later issued by Ayub, the office of Prime Minister was abolished. Ayub Khan had now become also President. A chapter had closed. A new one opened. Excitement appeared among the people for a moment, and then soon faded. The prevailing feeling was one of relief.

1. Major-General Fazal Muqeem Khan, *The Story of the Pakistan Army*, Dacca: Oxford University Press, 1963, p. 194.

2. Ian Stephen, *Pakistan*, Pelican Books 1964, p. 299.

In the case State V. Dosso (PLD 1958 SC (Pak) p. 533), which has become a *cause celebre*, the Supreme Court accorded legal recognition to the Martial Law itself, although the matter was not directly in issue in that case. Delivering the majority judgment of the Court M. Munir, C. J., laid down the princple that "where a Constitution and the national legal order under it is disrupted by an abrupt political change, not within the contemplation of the Constitution, then such a change is a revolution and its legal effect is not only the destruction of the Constitution but also the validity of the national legal order, irrespective of how or by whom such a change is brought about".

"The judgment", as later observed by Yaqub Ali, J., in Asma Jilani's case, "set the seal of legitimacy on the Government of Iskander Mirza, though he himself was deposed from office by General Ayub Khan a day after the Judgment was delivered on the 23rd October, 1958, and he himself assumed to himself the office of the President".

The principle laid down in *Dosso's* case was overruled by the Supreme Court of Pakistan itself as being "unsustainable" and "not good law either on the principle of *stare decisis* or otherwise". *Asma Jilani V. The Government of Punjab etc.* (PLD 1972 Supreme Court, p. 139).

M. Munir, ex Chief Justice has discussed the subject in his *Highways and Bye-ways of Life*, Law Publishing Company, Lahore, 1978, pp. 201-25.

CHAPTER III

Controlled Democracy—The Ayub Khan Era

1958 - 69

FOR SEVERAL years General Mohammad Ayub Khan had been the chief of the most powerful institution of the state, the army.[1] His opinion had mattered on important political issues of the country and it is reasonable to assume that some of the major decisions taken by Ghulam Mohammad and Iskander Mirza had enjoyed his tacit approval. But it would be fanciful to imagine that the collapse of the parliamentary system was brought about by his machinations. As we saw, the causes of the failure of the representative system lay elsewhere—the regional conflicts, the abnormal delay in the framing of a constitution,[2] the decline of the Muslim League, the absence of elections, lack of leadership and, above all, the absence of a commitment to democratic process and the failure by the politicians to observe the acknowledged principles of conduct. These and similar factors had combined to cause a shift of authority from the politicians to the bureaucracy and created a situation which made it possible, indeed inevitable, for the army to assume the control of

1. Ayub Khan had been the Commander-in-Chief of the army since 1951. It might be of interest to know that during the same period there had been one Prime Minister in India and several C-in-Cs.

2. India had promulgated its new constitution in 1950, and the first general election based on adult franchise was held in 1951.

the state. But this situation was not of Ayub's contriving and there appears to be no reason to doubt his statement that on several occasions he had declined Ghulam Mohammad's offer 'to take over' the country.

Ayub had, however, remained close to the centre of power. Time and again the army had been called upon to put down civil disturbances and to restore tranquillity in both parts of the country. On occasions, Martial Law had to be imposed in certain parts of the country. Ayub had evidently reflected on the persistent political crisis and formed his own ideas. In the memorandum which he prepared shortly before joining "the Cabinet of Talent" as Defence Minister in 1954, he wrote that the aim of making Pakistan "a sound, solid and a cohesive nation" could "be achieved only if as a start a constitution is evolved that will suit the genius of the people and be based on the circumstances confronting them".[1]

Such conclusions as he had reached remained embryonic as Ayub Khan had left the Cabinet before the Constitution of 1956 was adopted. By the fall of 1958 he was again drawn by a political crisis into the vortex of politics, leading this time, however, to the proclamation of the martial law, the abrogation of the Constitution and the assumption by him of the supreme executive authority of the state. During the ten years of his rule Ayub Khan strove to realise his plans of re-invigorating national life through a new political order.

The parliamentary system, in Ayub's view, had failed to answer the country's two foremost needs: political stability and national unity. The system was considered by him as unworkable amidst poverty and ignorance and a lack of democratic tradition. His distrust of the politicians, which never left his mind, was deepened by his own estimate of political life since Independence. A natural aversion to party-politics had become with him a matter of conviction.

The leading idea of the "October revolution"[2] was to give to the country a type of democracy which "the people could understand and work". This was envisaged in the scheme of Basic Democracies. Later, in 1962, under a presidential form of government Ayub Khan

1. Mohammad Ayub Khan, *Friends Not Masters*, Oxford University Press 1967, p. 186.

2. The takeover of the authority or *coup de'tat* by General Ayub Khan was sometimes referred to as the 'October revolution'.

sought to give to the country a stable political system initially conceived as free from party-politics.

The Basic Democracies

The scheme of 'Basic Democracies' announced by President Ayub in May, 1959, provided for the election of 80,000 Basic Democrats,[1] equally divided between East and West Pakistan. The Basic Democrats or B.D.'s as they were popularly called, to be elected on direct adult franchise, were to provide membership of a four-tiered structure of local-government at the base of which were the union councils in the rural areas and the union committees in the cities, with elected chairmen. The upper three tiers were composed of the representatives of the lower tiers and official nominees. They were presided over by officials, who were their ex-officio chairmen.

The system of Basic Democracies was based on the concept of a gradual induction of the people into democratic processes. They were placed under the tutelage of the bureaucracy which was supposed to provide the skills and expertise so as to energise the newly-created bodies to bring about socio-political transformation of the people unaffected by party-politics. Gradually, it was hoped, democracy could be built "from the ground up", once the foundations of local self-government were laid.[2]

The idea of gradually training the people for democratic responsibility was indeed very old. It had underlined the caution which had attended the constitutional development in India under the British. The franchise under the Government of India Act of 1935 had been restricted by property and educational qualifications. In Britain itself, franchise had in the beginning been restricted to householders only and women did not get the right to vote until after World War I. In case of a gradual extension of franchise it was assumed that the executive and legislative authority of the state would be exercised by the elected representatives of the people. The system of Basic Democracies proceeded on different assumptions. There was

1. In 1967 the number was increased to 120,000, divided equally between the two provinces.

2. See Lawrence Ziring, *The Ayub Khan Era*, Syracuse University Press 1971, pp. 15, 16.

Martial Law in the country and political parties stood banned. The Basic Democracies had been set up with a limited scope of functions. They were supposed to be free from party-politics and had been placed under the control and direction of the bureaucracy. The Basic Democrats could therefore be elected on direct universal suffrage. There was no need to follow the traditional approach, that is, of a gradual extension of the franchise because self-government stopped at the local level. A change in the role of the B.D.'s came with the 1962 Constitution which, so it seems, was not foreseen. The Basic Democrats were now constituted into an electoral college for the election of the President as well as members of the Legislatures. It was no doubt beyond the scope of the system as it was originally conceived. It could now be asked if the voters were good enough to elect the B.D.'s on the basis of universal suffrage why could they not be considered good enough to elect the President or the members of the Assemblies on the same basis. The electoral college could not claim to be superior to the collective wisdom of their electors. In fact, being smaller in number and exposed to bureaucratic influence, the B.D.'s, it was argued, could be more managable.[1]

Although the system presumed to offer training in democracy, it was not spelled out how the system would gradually achieve greater democratisation or the manner in which it was hoped, in Ayub's words, "the Basic Democrats would become less basic and more democratic". That was probably considered to lie in the distant future. Meanwhile, what had been achieved or had been sought to achieve was a controlled system of local-government. A rural elite was expected to emerge in due course of time in place of the distrusted urbanite elite, firmly aligned with the government in the task of national reconstruction without the 'disruptive' influence of party-plitics.

The experiment got under way with the election of 80,000 Basic Democrats in February 1960. In the same month the Basic Democrats expressed their faith by secret ballot in President Mohammad

1. Ten years later, when the system of Basic Democracies became untenable, adult franchise could not be denied, but with out the people having in the meantime been trained in the art of local self-government.

Ayub Khan.[1] On February 17 Ayub Khan officially took the oath as the first 'elected' President.

The Constitution of 1962

The constitution, which Ayub Khan gave to the country in 1962 provided for a Presidential form of government. It reflected his philosophy of a strong executive free from the control of the legislature. The President and the Legislature were to be indirectly elected by the Basic Democrats, constituting as the electoral college. The system was supposed to work without political parties. It was an administrative state, in which Ayub placed great faith, and which he now hoped to bring into existence. The recommendations of the Constitution Commission had therefore been found unacceptable. The Constitution Commission which was headed by Chief Justice Shahabuddin had recommended direct franchise (though restricted by certain educational and property qualifications), restoration of political parties and a strong legislature. The 'Basic Democracies' the cherished idea of Ayub Khan, and on which had rested his mandate of authority, had been virtually ignored. The recommendations could hardly have been more in conflict with Ayub Khan's ideas. Under the new political order which had been devised, the politicians were debarred for the time being. Power centred in the bureaucracy for practical administration. The political life of the country had been reduced to a form of a controlled local-government and although it was not apparent, the system also implied the preservation of the existing economic order. While pleading that the constitution be given a chance Ayub Khan was frank in saying that this was 'his' constitution and was based on his philosophy of government. It was the result he remarked later of his "wide study, deep and prolonged thought and a burning desire to help the people in building the country into a sound, vigorous, progressive and a powerful State".[2]

1. He was the only candidate. The vote of confidence was apparently obtained at the suggestion of Manzur Qadir, a jurist and the Foreign Minister, presumably to clothe the regime with legitimacy, as the 'seizure' of authority by Ayub Khan had never been without a taint in the minds of many people.

2. *The Constitution; The President Addresses the Nation.* Government of Pakistan. The Bureau of National Reconstruction (Karachi, 1962), p. 12.

The Revival of the Party System

The idea of ordering the political life of the country under the Constitution without the mechanism of party-politics was indeed naive. In fact the simplistic nature of this concept was exposed within a few days of the summoning of the National Assembly. It became evident that the Assembly would not act merely as a mirror of national feelings. It began to convert itself into groups. Although the members of the Assembly had been elected on a non-party basis their role and function in essence was political. Election on a non-party basis had the undesirable effect of making the members form groups mainly on a regional basis,[1] the opposite of what had been hoped for by Ayub Khan and the Constitution-makers. In obedience to mounting pressure and practical need Ayub Khan was compelled to reconsider the issue of political parties to which by temperament and conviction he had thus far stood firmly opposed. Within five weeks of the holding of the first session of the National Assembly the Political Parties Act 1962 was brought on the Statute Book, thereby altering the constitution in one of its most fundamental features. That it should have become necessary to make a vital amendment in the scheme of the Constitution within so short a time could hardly do credit to the deliberations that had supposedly gone into the preparation of the constitution.

With the legalisation of political parties it became unavoidable that President Ayub himself joined one of the parties or make a party of his own. It was decided to adopt the latter course, that is, to create a party from the top. The party which was selected was the Muslim League as it could lend its hallowed name to the new regime.

Within two months of the passage of the Act, the Muslim League (Convention) was organised as the official government party deriving its name from the Convention of the Muslim League which had been convened with a view to the formation of the new party. The

1. Mohammad Ali (Bogra) announced the formation of a 'democratic group' of forty-six like-minded members of the Assembly, all from East Pakistan and prepared a seventeen-point programme. (*Dawn*, 17 June 1962) Sardar Bahadur (Ayub's brother) announced the formation of a similar group of about forty members returned from West Pakistan (*Dawn*, 22 June 1962). There was an independent group of 30 members belonging to the old Muslim League.

Muslim League (Council) which had refused to accept the Conventionists as the legitimate Leaguers henceforth came to be known as the Council Muslim League. In December 1963, that is, six months after the promulgation of the Constitution, President Ayub Khan was unanimously elected as the President of Pakistan Muslim League (Convention) and with that came to an end his cherished idea of running the government without party-politics.

Within a week of the adoption of the new Constitution, it was also felt necessary to seek a modification so as to enable the ministers to retain their seats in the National Assembly. The Presidential Order No. 34, whereby it was sought to do so, was held *ultra vires* the Constitution, by the High Court of East Pakistan, a decision upheld, on appeal, by the Supreme Court.[1] It was, however, adjudged permissible for the ministers to be present in the Assembly to answer questions and to make speeches. The ministers thus sat on the Treasury benches, and could influence the conduct of the Assembly's business, a need which had partly prompted the amendment. The separation of powers envisaged in the Constitution thus developed an ambiguous pattern.

The Authoritarian Rule

Upon assumption of authority as the Chief Martial Law Administrator and President of the country, Ayub Khan wielded supreme power. His authority, however, rested ultimately on the support of the army. For actual administration, however, the bureaucracy was relied upon as the main instrument of his rule. In the new scheme of things the politicians as yet had no place. They were considered a force of disruption. The political life of the country had been restricted to a form of local-government within whose confines alone the people could find opportunity for democratic self-expression. The administrative state was the cherished goal. It is for this reason that the reforming impulse that had led to the removal or retirement of several hundred officers under procedures of doubtful propriety soon after the imposition of the Martial Law had to be brought to a halt as it had led to demo-

1. This was in 1963. As a result of this decision six out of eight Ministers lost their seats in the National Assembly.

ralisation among the civil servants but not without destroying for the first time, the security of tenure which had been woven into the texture of the civil service as its most valuable legal safeguard and a condition of its political neutrality. The bureaucracy, however, soon learnt the benefits of obeying the new regime. It transformed itself from an impartial public service, to the position of a partner in autocracy. The pride of place was occupied by the Civil Service of Pakistan, the linear descendant of the Indian Civil Service. In the powers which it came to wield in due course at the higher level, the line between political and bureaucratic function was often blurred.

One of the first acts of the regime was to keep the politicians away. The ban on the political parties that had accompanied the proclamation of the Martial Law was followed up by the freezing of their bank accounts and the detention of some of the political leaders. The activities of the politicians were brought under further restraint by the Public Officers (Disqualification) Order promulgated in March 1959 which was carried further by the Elective Bodies (Disqualification). Order (E. B. D. O.), providing the former politicians with the option of being tried for misconduct or disqualifying themselves from engaging in political activities. The majority preferred the latter course and as a result about 6,000 persons came to labour under E. B. D. O. disqualification or were, as it way popularly expressed, "ebdoed".

Critical voices were suppressed by the seizure of some papers and bringing some more under governmental control. The Press and Publications Ordinance of April 1960, consolidating the press laws issued since the first days of the martial law, was used to influence comment favourable to the regime. The control thus gained over the medium of the press was used to project the image of the new regime as a just order replacing a corrupt one.

The authoritarian character of the regime was demonstrated by the appointment in 1960 of Malik Amir Muhammad Khan, the Nawab of Kalabagh, as the Governor of West Pakistan. The Nawab had used to arrange hunting parties for Ayub and had on these occasions acted as his host for many years. He had won Ayub's confidence and friendship. He brought to bear on the office of Governor a domineering personality and autocratic methods. He ruled with a resolute will until 1966 when differences with Ayub

Khan led to his resignation. In the course of his governorship the Nawab earned the resentment of the people by his dictatorial methods and police oppression. He was held in fear owing to his frightful reputation for vindictiveness. His 'feudal' background which had probably weighed with Ayub as an important consideration in his appointment, however, gave him a special leeway with the landed classes of West Pakistan which wielded traditional political leadership and had aligned themselves with the new regime.

In East Pakistan, Ayub Khan had at first appointed Zakir Hussain, a Bengali, as the Governor. A former police chief, he gathered so much odium by his misrule that he had to be replaced within a few months. Lieutenant-General Azam Khan, who had been one of Ayub Khan's close associates, was appointed as the new Governor. Known as a strongman, he was expected to make the authority of the regime felt in the restive province. Azam Khan, however, adopted an independent course. He displayed an unsuspected political flair and set himself indefatigably to the uplift of East Pakistan. His obvious sincerity and a genuine regard for the welfare of the region won the hearts of a people who had felt neglected. It was ironic that the people had responded enthusiastically at a time of their greatest political deprivation. The moment was, however, not seized to link the province with the west wing through genuine participation. The latent reaction of the province which was softened for a short while by Azam Khan, soon asserted itself against the authoritarian rule. As to this and the emergence of regionalism we shall revert later. Azam Khan, at the height of his popularity was forced to relinquish charge unceremoniously, shortly before the promulgation of the Constitution in 1962. His successor, Ghulam Faruque, despite his undoubted executive talents, had no stomach for politics and he barely lasted six months. He was replaced by Abdul Monem Khan, an obscure lawyer from Mymensingh with an unenviable reputation. Monem had found his way to the National Assembly where he had caught President Ayub's eye and was made a minister. For Governorship of East Pakistan, there could not have been a worse choice. In due course, he made a signal contribution to the destruction of Ayub Khan's political hold on the province, which in any case was exceedingly weak, by his repressive rule and pervasive corruption.

With the promulgation of the presidential form of government in 1962, General Ayub had placed his authority on a constitutional foundation. However, it made no basic change in the character of his rule. As chief executives his powers were outside the control of the Legislature, and although the political parties had been revived and he headed one himself, it was the bureaucracy which continued as the main instrument of his rule. He lacked the ability or inclination to develop a popular basis of his authority. The army continued to be the ultimate source of his power.

Yet Ayub was no autocrat in the usually accepted sense of the word aspiring to rule over an enslaved people. For one thing, his rule was based on a partnership of two major interests in society, namely, the land-owning classes and big business, besides of course the army and the bureaucracy. The land reforms that had been carried out during the early Martial Law period had left the rural power-structure almost intact due to the high ceilings of landholdings which had been allowed. Their effect was further mitigated by the concessions subsequently granted to some of the bigger landowners. The landed interests, incidentally, now also included many civil servants and army officers.[1] The traditional feudal leadership in West Pakistan manipulated the Basic Democracies system, became the beneficiaries of the new rule and adorned the Assemblies, solidly aligned with the regime. On the economic front, secure conditions and generous aid from abroad encouraged the rapid growth of business and industry. A liberal policy towards capital accumulation led to the rise of big business which again aligned itself with the new government. The authoritarian nature of the rule was also not manifested in day to day administration. Major interests had been satisfied. There were signs of grumbling but no revolt from below. Ayub's rule was also made palatable by a conciliating disposition, basic humanity, a sincere concern for the progress of the country and a willingness to compromise when pressed.

The Rise of Opposition and the Weakness of Ayub's System

With the passage of the Political Parties Act in 1962, Ayub Khan had been forced into the political arena and his idea of an

1. Through generous grants of state lands.

administrative state had been compromised. Torn from his natural moorings he could not maintain a steady pace in the changed situation in which he was obliged to match his wit and talents against the emerging opposition to his rule. Without developing a popular political base of his own, he was driven to rely more and more on the use of force to silence dissent or on patronage to purchase the allegiance of men. In the circumstances he became increasingly dependent on the bureaucracy.

The capabilities of the regime as well as of the new system were put to the test during the Presidential election in early 1965 and more pointedly in the aftermath of the Indo-Pakistan War of September 1965. To the Presidential election we shall revert presently. We may at this point briefly review the nature and strength of the opposition and the capabilities of Ayub Khan's system as a preclude to the understanding of his later decline in authority and ultimate fall from office.

With the resumption of political activity, the main criticism centred on the Constitution and against the autocratic rule, 'the rule by rod' as Chaudhry Muhammad Ali called it. It had been evident from the beginning that the politically conscious urbanite middle classes had never reconciled themselves to the scheme of government in which they stood excluded and paractically disenfranchised. The indirect elections, restriction on ebdoed politicians, the non-justiciability of fundamental rights were the obvious objects of criticism. The main target was, however, President Ayub himself. But the opposition in the west wing, however, as yet posed no serious threat to the government because of the bureaucratic hold over the province and the solid support of the landed interests and big business which it enjoyed. The gradual disillusionment of the masses did not find an outlet through the traditional leadership and they were too cowed to produce leaders from their midst.

In East Pakistan, the ambitious plan of Hussain Shaheed Suhrawardy to lead the opposition against President Ayub through his newly formed United Democratic Front, a device designed to circumvent the 'ebdo' disqualification, came to an end with his death on December 5, 1963 in Beirut where he had gone for treatment. A statesman held in high respect and loved by many in both parts of the country, Suhrawardy might well have made a valuable contribution in the troubled days that lay ahead. After his death the

leadership of the Awami League passed into the hands of his long time lieutenant, Sheikh Mujibur-Rehman who was passionately regional in outlook. The other notable leader in East Pakistan was the enigmatic Maulana Bhashani, with his radical programme, leaning towards Peking but regional in feelings. The field was left open to these two men with the death in October 1964 of Khawaja Nazim-ud-Din. Nazimuddin, like Suhrawardy, had declined Ayub's offer to join the Convention League and had instead accepted the leadership of the Council Muslim League which was in opposition. He was being considered a likely candidate for the presidency by the combined Opposition Parties (C. O. P.) when death overtook him.

Under the Presidential system, the centre of authority lay completely outside East Pakistan. During the parliamentary period Nazim-ud-Din's premiership had ended in his summary dismissal. Suhrawardy had held office for a short period but was forced to resign by Iskander Mirza. But for these two brief and unhappy interludes, the province had not exercised authority over the affairs of the country since independence. It now appeared to most East Pakistanis that the powers were exercised by an army General in place of the erstwhile administrators. Deprived of political participation and a share in authority, the people of the province began to react more and more against real and imaginary injustice done to the province. The disparity in income and economic growth, gross under-representation in the army and the civil services and a feeling of economic exploitation began to loom in the minds of men. Fanned by political passion, the demand for regional autonomy took roots.

The origins of economic disparity lay in the past and began with the selection of Karachi as the capital of Pakistan. The issue of disparity has been the subject of a number of expert studies and would not require a detailed account here. It was obviously traceable to a multiplicity of factors, such as the difference in natural endowments, the initial gap in economic advancement; the availability of capital and entrepreneurial skills and the relatively undeveloped infra-structure. The difference in economic level was accentuated by much the larger share being given to the west wing in the development funds and foreign aid from 1950 to 1970. There were also extraneous factors. The strategic significance of

West Pakistan was a factor of major importance in the defence aid from the West which had led to the development of military capabilities mainly of West Pakistan as opposed to East Pakistan, with its attendant economic consequences.

Initially, East Pakistan's foreign exchange earning from the export of jute and tea was undoubtedly a major factor in the industrial development of the west wing. As development began to take place in East Pakistan in pursuance of a deliberate policy, much of the gain was neutralised by the flight of capital from the east wing to the western part whence most of the industrial and commercial enterprise originated. A stage had been reached when the momentum of economic growth already achieved was widening the gap. Herein lay the real dilemma.

Thus it was that despite the express provisions in the 1962 Constitution to remove disparity, greater diversion of funds to the eastern part and emphasis on their utilisation, bifurcation of departments such as the Railways, the Water and Power Development Authority and the Industrial Development Bank, and the location of the seat of the National Assembly and the building of a second Capital at Dacca, failed to adequately respond to actual needs and increasing expectations.

The problem obviously did not admit of an easy answer in view of the difference in potential and the economic development already achieved by West Pakistan. The Finance Commission in 1963 while analysing the problem of disparity could see no way of bringing the provinces at par except by a total deceleration of growth in the western wing, which was obviously impossible. In any event the period visualised was twenty five-years.

The issue of disparity therefore plagued the political atmosphere and naturally figured most powerfully in a province deprived of a share in the government. What had happened now was that the region was more conscious of the fact of disparity, more vocal in its expression of dissatisfaction and more insistent on bringing about a change in their relative backwardness. The demand for regional autonomy was the inevitable consequence of the gradual growth of a conviction among the East Pakistanis that there was no real possibility of East Pakistan gaining a decisive sway over the affairs of the central government and to be able thereby to alter policy and circumstances in its favour.

The peril of the situation does not seem to have been realised by Ayub Khan's regime. It tended to view the growing dissatisfaction as the work of unscrupulous agitation and vainly relied on bureaucracy to find an answer to what was essentially a political problem. There was thinking as early as 1963 that a solution on the basis of economic autonomy could perhaps be an answer to save the country from irresistible tension and disintegration. The central problem, however, eluded Ayub Khan. He was conscious and proud of what he had done and was doing for the uplift of the eastern region. He could not comprehend that what was being done was not good enough in an atmosphere of mounting expectation, that in any event economic improvement would be a poor substitute for a share in political authority.[1]

Thus, in both parts of the country, though in different ways, the masses began to feel alienated. The political institutions which Ayub Khan had created were unable to bridge the increasing gulf between the government and the people. The Legislature was a diminutive house of 150. Under the Constitution, its powers were limited. It could not, for instance, withhold assent to the budget proposals. The members of the House mostly represented vested interests without a following among the masses and they lacked the moral strength which springs from direct elections. The National Assembly in the circumstances failed to reflect the national will.

The Convention Muslim League, was a poor instrument in the hands of Ayub Khan with which to mobilise public opinion favourable to the regime. It was a creation from the top and suffered the disabilities of a 'King's party'. The party had no economic programme to inspire the people. It stood in effect for the maintenance of the status quo. The advent of the political parties, as may be recalled was a later development and although Ayub Khan was forced to allow their existence and become the head of an official political party, his instincts were administrative rather than political.

1. G. W. Choudhury has reported a conversation when Ayub was no longer in office in which Ayub is said to have remarked: "Tell me, what were they asking for? Did not my provincial Governor Monem enjoy all the powers needed for running the provincial government in East Pakistan? What more could I grant?" See his *The Last Days of United Pakistan*, C. Hurst & Co. London, 1974, p. 44.

If he aspired to become a popular leader, he could never symbolise the people's hopes or become the object of their affections.

The Basic Democrats constituted a fraction of the population. They had been unable to develop an independent character or a status of their own due to bureaucratic control. Most of the B.D.'s were men of straw, thanks largely to the rejection or disregard of the scheme by the intelligentsia and the politically conscious sections of society. The hopes initially placed on the scheme to provide a base on which a process of democratisation would be gradually built up had begun to fade while the scheme was still in its infancy. The tutorship of the administrators gave place to trusteeship and the system became an appendage to the bureaucracy, reminiscent of the District Boards of pre-Independence days.

The combination of the functions of an electoral college under the Constitution with those of the local government caused a distortion of aims and perspective due to the need now felt to secure and sustain the allegiance of the B.D.'s. In order to achieve this, recourse was had to the control exercised by the Government over the local government duties, over the operation of the Rural Works Programme and sundry other functions performed by the Basic Democrats, such as the distribution of food grains, the operation of the family courts etc. which had opened up many possibilities of gain and misuse of authority. The degeneration of the system quickly set in, particularly in East Pakistan where under Monem Khan, the potential of corruption was exploited to the full. In due course, the greed of the B.D.'s brought down on them signal retribution in that province. But that was to happen later.

Corrupted and smothered by the bureaucrats, the Basic Democrats, in spite of the presence of many public-spirited men among them, became an object of derision, a development bound inevitably to react on the moral authority of those elected by them, not excluding the President himself.

Although Ayub Khan had been unsuccessful in establishing a popular political base or in providing his regime with a firm institutional support, his authority nevertheless was quite unassailable, backed as it was by all the powerful interests of the state. The opposition had barely begun to bestir itself after nearly four years of a ban on political activity. Their leading lights stood 'ebdoed' and in any event their past stood in the way of their political recovery.

The forces of discontent and opposition, though definitely on the rise, had not yet attained a proportion or an organised expression to pose a threat to Ayub's position.

At the opening of the year 1965, Ayub Khan had entered the seventh year of his rule and he dominated the political scene. If his government was authoritarian, it was also tempered by paternalism. His earnestness and a genuine concern for the uplift of the country drew a sympathetic response from the Western world which was prone to see in benevolent despotism the means best suited for the progress of an underdeveloped people.[1] On the eve of the presidential election due to be held in January 1965, President Ayub felt completely self-assured. The crisis that was destined to envelope the regime in less than a year's time still lay in the womb of time.

The Presidential Election of 1965*—The Perilous Victory*

Ayub Khan had thought it necessary to take certain measures before the presidential election in order to fortify his position. Under the Second Amendment to the Constitution, the order of the election of the B.D.'s, the President and the members of the Assemblies, was changed so that election to the electoral college could take place first (November 1964) followed by the Presidential election and the election for the new Assemblies. The idea being that the sitting members of the Assemblies could use their influence in the return of B.D.'s who were favourable to the regime. The amendment was passed in the midst of fierce resistance from the opposition. The requisite number of votes (105) was only secured after eight members had defected from the Opposition.

The need of a favourable press led to the issue in August 1963 of West Pakistan Press and Publication Ordinance, giving such powers as removal from the approved media and confiscation of the press. Powers for the detention of editors and publishers

1. "More than any other political leader in a modernizing country after World War II, Ayub Khan came close to filling the role of a Solon or Lycurgus or "Great Legislator" on the Platonic or Rousseanian model", Somuel Huntington, *Political Order in Changing Societies*, (New Haven: Yale University Press, 1968), p. 251.

were available under the safety laws. The terms of the Ordinance were softened in the face of protest by the journalists. The concessions made to the journalists were however counter-balanced by the establishment of the National Press Trust in 1964. The Press Trust, which was reportedly the brain-child of the Information Ministry, could acquire existing newspapers or establish new ones from its own resources. Its control was placed in government hands. The regime thereby acquired independent means of projecting the personality of Ayub Khan and his policies. But the Trust could not ensure readership. By centralising government advertisement and through the dispensation of patronage, however, favourable reporting could be encouraged and criticism got diluted. It is open to argument whether Ayub Khan was not worse off as a result of the emerging sycophantic chorus which masked reality. Despite many limitations, Ayub Khan often displayed flexibility once the facts were fully disclosed to him. The bureaucratic counsel to which he became increasingly amenable could not have been a substitute for political judgement, nor could the administrators be expected to play the role of the politicians. The bureaucracy it may be observed, by its very nature is a force of conservatism in contrast with the politicians who bring into play conflicting interests and thus keep the government responsive to the changing conditions of society. The civil servants, so it seems, were more enthusiastic and capable of finding ways and means to control opinion and printed word than Ayub Khan would probably have liked or been able to conceive.

With the arrest of some politicians made in May, 1963, the government showed increasing resolve to restrain the opposition. The Jamaat-i-Islami was particularly picked up for notice. Although the Jamaat was an orthodox party with a limited following, it was well-organised and had kept up a relentless attack on the regime. Following a series of actions culminating in the arrest of Maulana Maudoodi and eighteen others under the Maintenance of Public Order, the party was banned and declared an unlawful association. This action was held void by the High Court in Dacca, a decision upheld, on appeal, by the Supreme Court.

As the Presidential election (scheduled to be held in January 1965) approached, the Opposition parties in the National Assembly formed themselves into an alliance known as the Combined Opposition Parties (COP). The alliance comprised the Council Muslim League led by Khawaja Nazim-ud-Din and Mumtaz Daultana; the Awami League of Sheikh Mujibur-Rehman; the National Awami Party (N. A. P.) led respectively in East and West Pakistan by Maulana Bhashani and Khan Abdul Wali Khan. The Nizam-e-Islam Party was headed by Chaudhry Mohammad Ali while Maulana Maudoodi was the Chief of the Jamaat-i-Islami.

The main interest centred on the presidential candidates. The elimination of General Azam Khan as a likely C. O. P. candidate had been secured through a condition laid down by Maulana Bhashani that the C. O. P. would not accept any one as a candidate who had been associated with the Martial Law of October 1958. This stratagem is said to have been engineered by Ayub Khan's foreign minister Zulfikar Ali Bhutto.[1] A sum of money is reported to have been passed on to the Maulana through Bhutto's friend Masih-ur-Rehman, a lieutenant of the Maulana. General Azam Khan no doubt would have been a strong rival. He could count on solid support from East Pakistan and a fair measure of sympathy in the west wing. His removal from the field must have been a matter for some satisfaction to Ayub. The other likely candidate, Khawaja Nazim-ud-Din died in October 1964. The heterogeneous opposition alliance, dubbed by the regime as the *Jugto Front*[2] appeared for a while undecided on a candidate or unable to find one of sufficient stature to challenge Ayub and it seemed to be heading towards a fiasco due to internal discord when it sprang a surprise. Fatima Jinnah, the ageing sister of the Father of the Nation, agreed to be a candidate for the office of the President on behalf of the Combined Opposition Parties.

The entry of Fatima Jinnah, affectionately called by the people as *Madr-e-Millat*,[3] must have upset all calculations of the regime

1. See Herbert Feldman, *From Crisis to Crisis, Pakistan* 1962-1969, Oxford, Pakistan Branch, 1972, pp. 71-72.

2. *Jugto* is a Bengali word meaning 'of whole world' a sarcastic expression implying all and sundry.

3. *Lit.* mother of the nation.

and turned the presidential election into an event of the first importance because it brought to the surface latent forces of disaffection and exposed at the same time the weakness and limitation of Ayub Khan's rule.

Elections in the country had turned on personalities rather than a programme, more so in a presidential election, but with this significant difference that whereas Fatima Jinnah represented political revival, Ayub Khan stood for the maintenance of military-bureaucracy. Ayub's personality and conduct had been put to the test due to the concentration of authority in his hands. The constitution and the dictatorial nature of Ayub Khan rule, indirect elections, corruption and nepotism, more pointedly, the fortunes made by the members of Ayub Khan's family, figured as prominent issues. The regime had also come in for a good deal of criticism for its alleged failure in foreign policy in view of the massive arms shipment to India made by the West following the China Indian War in 1962. There was frustration over Kashmir after hopes had been rekindled by Sheikh Abdullah's visit to Pakistan in 1964. To these developments we shall presently turn.

Fatima Jinnah took up all these issues and lashed out against the regime in a countrywide campaign. Although the voters comprised a mere 80,000 B.D.'s and there were restrictions on public meetings, she drew enormous crowds. The people thronged to hear her and found an emotional release through a sense of participation. Fatima Jinnah articulated what the people had felt but dared not express. Although the people were not averse to an authoritarian rule, they were uncompromising in their insistence on integrity. It was the essence of the situation that Ayub Khan had begun to fail in just that. By allowing the members of his family to use his position in making fortunes he had damaged his image irretrievably. The growing corruption of the administration had sapped the moral basis of its authority and its ability to command respect. The system of Basic Democracies had alienated rather than brought the people closer to the regime. Meanwhile, the misdeeds of the politicians of the parliamentary era were effaced from the memory of the people who now longed for the return of old times.

Thus it was that when Fatima Jinnah castigated Ayub Khan's

rule there was a tumultuous response from the people as she articulated their feelings. Her imperious tone and fearless manner recalled to the people's mind her illustrious brother and with him the memories of a mass movement. There was little indeed that Ayub Khan could do to her except pathetically to remark in desperation that the Quaid-i-Azam used to shut her up in a room.

The result of the election: Field Marshal Ayub Khan 49,647 votes; Miss Fatima Jinnah 28,345 votes. Fatima Jinnah might well have obtained more votes but for the silence of Bhashani, the inherent limitations of an heterogeneous alliance, and the fact that the tribal votes virtually constituted pocket boroughs. When considered that the voters comprised the electoral college of the Basic Democrats who were highly amenable to official persuasion[1] her performance was indeed remarkable. More significantly, she had carried the urban centres of Karachi, Dacca and Chittagong. The mighty had been challenged and a habit of criticism was resumed. Ayub Khan's victory no doubt marked the high water-mark of his authority and he proceeded henceforth with renewed self-assurance. It was, however, to prove a perilous triumph.

Foreign Policy and the Background to the Indo-Pakistan War of 1965

As the Chief of the Army, General Ayub had been the principal architect of the policy of allying Pakistan with the West, especially with the United States of America, a country to which Pakistan was linked in four mutual security agreements. As the most "allied" ally, Pakistan was the bastion of the West in Asia.

Pakistan had also allowed herself to be a member of the regional defence organisations built around the Soviet Union in a bid to halt Communist expansion, a policy associated with John Foster Dulles. Pakistan had no anti-Communist policies to pursue nor did it have any outstanding dispute with any of the Communist countries. It had entered into various alliances solely from considerations of her own security. It was central to Ayub Khan's thinking as a military

1. The manoeuvring of votes by Monem Khan in East Pakistan was too well-known.

commander that a military balance of power in the subcontinent was vital for safeguarding the country's integrity and the maintenance of peace in the region or indeed in South-East Asia, a fact which it is well to bear the mind in view of subsequent happenings. It was obvious too that there could be no hope of finding a solution to the vexed question of Kashmir without such a military balance. Kashmir was the most important issue in West Pakistan and no government could ignore it without peril in view of people's emotional attachment with Kashmir. India remained the principal foe and Kashmir the prime issue. As Commander-in-Chief of the Army, Ayub Khan had found in the alliance with the West a means of developing the military capabilities of Pakistan as the indispensable instrument of security and had given much time and attention to the building up and organisation of the armed forces during his tenure.

The West looked at the situation, differently. For them Communism was the primary threat. To face it, it seemed, in their view, only sensible that India and Pakistan should both join hands against the common foe. It is perfectly understandable that the West's foreign policy was guided by their own interests. However, the disparity of approach was to lead later to disillusionment and consequent strains in Pakistan's relations with the West.

Soon after assuming authority Ayub Khan initiated a policy of developing amicable relations with the neighbours. A no-war pact was suggested to India and efforts were set afoot to legalise borders with Iran, Burma, and China. In February 1961, an oil prospecting agreement was signed with the Soviet Union. The overtures to the Communist world appeared to suggest a more independent policy and provoked reaction in the West.

Although, as Ayub Khan later remarked, that the foreign policy must reflect global changes and should be determined by geography and not ideology, it is important to bear in mind that Ayub Khan did not consider friendly relations with the Communist world as incompatible with an alliance with the West. It might be recalled that in 1954, Suhrawardy, a stout ally of the West, during his tenure as Prime Minister, had paid an official visit to Peking which was reciprocrated by a visit made to Pakistan by Chou-en-Lai. Ayub's

aim seem to have been limited and uninfluenced by any doctrinaire approach. He remained wedded to the West down to the last day of his rule. Even when later events forced him to seek a closer connection with China, he never succumbed to the passionate fervour of a pro-China policy as later advocated by his Foreign Minister Zulfikar Ali Bhutto. His enthusiasm in fact soon waned and he was never enamoured of the Communist way of life. In developing a policy of cordial relations with Communist powers Ayub Khan did not therefore contemplate any basic shift in policy.

Nevertheless, Ayub Khan took the opportunity to assuage criticism in the West, specially in the U.S.A. about his 'independent' foreign policy. Addressing the U.S. Congress in July, 1961, he reminded them "if there is trouble, there is no other country in Asia where you will be able to even put your foot in. The only people who will stand by you are the people of Pakistan".

The relationship with the West came under acute strain in consequence of the border war that took place between India and China in the fall of 1962. That conflict set in motion a chain of events that led to the Indo-Pakistan War in September 1965 with fateful results.

The rout of the Indian forces and the subsequent unilateral withdrawal by the Chinese demonstrated a convincing superiority of China in arms and military manoeuvre. It awakened the West, especially the U.S., to fears of the Chinese menace. Offers to supply arms were promptly made by the West which were readily accepted by India, then barely recovering from the trauma of an ignominious defeat. The delight initially felt in Pakistan at India's defeat turned into dismay as heavy shipments of arms began to arrive in India. Demonstrations and protest ensued.

No one was more aware than Ayub Khan of the menace which the arms build-up of India posed for the security of Pakistan. India was using "the Chinese bogey", Ayub was convinced, only to build up its war-making capabilities in order to impose its will on its neighbours, especially Pakistan, with whom India had an outstanding dispute over Kashmir. Pakistan pleaded with her allies. The supply of arms continued unabated.

The disturbing element was that military assistance to India was not linked with a settlement over Kashmir, especially in view of the forbearance which Pakistan had shown during the Sino-Indian war. It was more than disillusionment for a firm ally. It looked like betrayal to the people of Pakistan.

Kashmir assumed a new significance in the changing balance of military power in the subcontinent. Anti-American feeling was rising, particularly among the students and the urban population of West Pakistan. Meanwhile, prospects of finding a solution through the auspices of the U.N. became dim in view of the latest exercise of veto by the Soviet Union over a resolution of the Security Council calling upon the parties to settle the dispute in accordance with the U.N. resolutions. Despite the overtures of friendship made by Pakistan, the U.S.S.R. appeared careful not to cause anxiety to India and in September, 1964, a large-scale arms aid to India by the Soviet Union was announced.

These developments drew Pakistan closer to China. There were solid gains which China could hope to achieve by grasping the extended hand of friendship. Pakistan provided a window to the Middle-East and the West, overland routes and trade, possibilities of bases and intelligence opportunities and useful contacts with the Arab World. It seemed in the interest of China to safeguard Pakistan's independence against Indian designs of expansion or hegemony over the subcontinent. The interests of the two countries coincided, and with Pakistan's conclusion of a treaty of friendship with Indonesia, a triangular containment of India seemed to have been brought about.

Bogra died in January 1963 and Zulfikar Ali Bhutto, a protegé of Ayub Khan and probably groomed for the job, was appointed as the new Foreign Minister. Bhutto had no doubt aspired for the office for which he considered himself specially qualified on account of what he called his 'penchant' for foreign affairs and his academic background. Ayub Khan wanted Bhutto to assuage domestic anti-U. S. feelings by taking up a stand against the U. S. while he maintained his characteristic caution.

The role assigned to Bhutto admirably suited him. An anti-American posture and a spirited advocacy of a policy based on attachment with China drew admiration at home and a notice in the

international circles. Besides, a resolute stand on Kashmir promised popularity. None of Bhutto's statements, however, which consistently made the headlines, were at variance with President Ayub's policy or in opposition to his wishes. The difference lay in the fact that, temperament apart, whereas Ayub Khan in his position as President preferred to walk with circumspection, Bhutto felt unrestrained and learnt the value of acting as such. A legend of a defiant Bhutto and a nationalist was born. For the first time he began to acquire a following. Although this was more than Ayub Khan would have countenanced Ayub was far too entrenched in power to fear his minister who held office at his pleasure. And for the moment Bhutto was useful.

Bhutto's image as the protagonist of a pro-China policy was strengthened by the visit he made to China on March 9, 1963, to formally sign the border agreement. The legalisation of the border was the culmination of a policy initiated almost immediately after Ayub Khan had taken over authority. The negotiations had been conducted by Manzoor Qadir as Foreign Minister and the agreement had been finalised when Bogra died. It was Bhutto's agreeable lot to formally sign the agreement. It was under Manzoor Qadir that "the first real change in Pakistan's foreign policy came about. It is interesting to note", writes Lawrence Ziring while referring to the event "that it was Bhutto who received credit for Pakistan's *more* independent foreign policy".[1]

President Ayub's autobiography has devoted a fair portion to a discussion of foreign policy. Zulfikar Ali Bhutto, who was his Foreign Minister from 1963 to 1967 finds no mention therein. The omission might have been caused by the fact that Bhutto had broken off with Ayub and had set himself in opposition to him before the book was published in 1967. It is, however, probable that Ayub Khan genuinely regarded himself as the architect of his policies and that while he listened and might well have esteemed Bhutto's judgement, he was chiefly directed by his own. Ayub Khan, since the days he was the Commander-in-Chief, had been principally responsible for forging Pakistan's alliance with the West. He had an impressive bearing and was eloquent of speech. In

1. Lawrence Ziring, *The Ayub Khan Era*, Syracuse University Press, 1971, p. 52.

personal dealings with the Heads of States or governments he found an easy success. His conviction about the worth of his own abilities appeared likely.

It would nevertheless be unrealistic to discount Bhutto's influence. Apart from his ability and knowledge of international affairs, Bhutto enjoyed a position of special confidence and it was well-known that the President looked upon him with particular regard, almost as a family member. It is, therefore, fair to assume that while Ayub may well have been responsible for the broad outline of his policy, the influence of Bhutto in many crucial matters might well have been decisive.

Ayub Khan was no doctrinaire or a theoretician. His approach was pragmatic. A policy of friendly relations with the neighbouring countries which he initiated immediately upon assumption of authority may not be considered as particularly striking in originality. Sometimes called as bilateralism, Ayub Khan does not seem to have regarded such a policy as incompatible with a firm alliance with the West. An attempt to develop amicable relations with all, incidentally, may often signify only weakness and, when unbacked by military power, it may only result in empty postures without ensuring security which must remain the core of foreign policy. Ayub Khan had an enduring faith in the West and this faith survived periods both of close attachment with China and of his later disillusionment with the West. This was due to his outlook on life and his vision of Pakistan in which a Communist way of life did not find access. Affinities of political and economic systems and historical ties with the West also pointed in the same direction. Power for Ayub Khan was chastened by certain ideals that he held for the country and this fact conferred on his rule, with all its limitations a certain moral quality.

Approach of the War

Relations with India underwent rapid deterioration following the Indian government's move in 1963 to formally integrate Kashmir into the Indian Union. India had been planning to do so since 1957. Fierce opposition from Pakistan and resistance from within the Kashmir State had stood in the way. India had apparently now felt emboldened by the receipt of arms and by the hopes of neutralis-

ing Pakistan's allies. A strong protest therefore went unheeded. The case was again taken by Pakistan to the United Nations where it remained inconclusive. On December 27, a sacred hair of the Prophet was reported as stolen from the holy *Hazrat-Bal* shrine in Srinagar, leading to violent disorder and rioting in both the countries and within Kashmir. The Jammu and Kashmir Liberation League Executive met in Azad Kashmir to consider the situation. To these developments was now added a declaration of support for the Muslim Liberation Front in Kashmir made by Chou-en-Lai during his visit to Pakistan in February 1965. Apparently in pursuance of a reappraisal of policy by Prime Minister Nehru, Sheikh Abdullah was released after eleven years of internment, whereupon at Pakistan's invitation, he arrived in Rawalpindi on May 24, 1964, to a rousing reception.

President Ayub appears to have been cold to Sheikh Abdullah's proposal of an independent Kashmir, fearing that the State would become a hotbed of international intrigue, jeopardising the security of both India and Pakistan. Abdullah announced that a meeting between Prime Minister Nehru and President Ayub Khan would take place in June. Nehru died a day after Abdullah's announcement and the projected meeting could not take place. Later, Sheikh Abdullah was imprisoned by the Government of Lal Bahadur Shastri. The hope rekindled for a while was extinguished. The frustration of the people in Pakistan was unbounded.

Since the creation of Pakistan, except for brief intervals, relations between Pakistan and India had remained strained primarily over the issue of Kashmir. It is impossible to exaggerate the emotional intensity with which the Kashmir issue is regarded by the people of West Pakistan. Almost every politician had used the issue to gain popularity. Kashmir had thereby remained in the forefront of the people's minds. Fighting between the two states had broken out in Kashmir shortly after Independence and the issue since then had dominated Pakistan's domestic policy, its relations with India and the outside world. After the military build-up of India began following the Sino-Indian war of 1962 a situation now prevailed almost bordering on war in the sense expressed by Hobbes. "For war consisteth not in battle only, or the act of fighting, but in a tract of time wherein the will to contend by battle is sufficiently known....

for as the nature of foul weather lies not in a shower or two of rain, but in the inclination thereto of many days together, so the nature of war consisteth not in actual fighting, but in the known disposition thereto all the time that there is no assurance to the contrary".[1]

By the opening of 1965 India had extended its control in the Kashmir State with the application of Articles 356 and 357 of the Indian Constitution and Pakistan was told that in any negotiations she must accept Jammu and Kashmir as a constituent State of the Indian Union. Against this background of mounting tension the forces of Pakistan and India clashed in the spring of 1965 in the Rann of Kutch across the International border. Although the conflict was a minor one compared with the Indo-Pakistan war of 1965 September, Pakistani soldiers appear to have shown their superiority over their counterparts.

The heavy rearmament of India by the West had drastically altered the balance of military power in the sub-continent in favour of India. The prospects of a settlement over Kashmir became less and less as the Indian military might increased. The West, haunted by fear of the Chinese and mindful of its economic and strategic interests was indifferent to Pakistan's fears. Meanwhile, Pakistan's growing ties with China had been looked askance. Pakistan felt powerless to either to stop the Indian arms build-up or to secure a settlement over Kashmir through the United Nations. There had been unrest in the valley of Kashmir. In circumstances of which no official account is available the forces of the two countries clashed in Kashmir.[2] India, in an obvious bid to relieve pressure in Kashmir unleashed an attack against West Pakistan on 6 September, 1965 across the international frontier facing Lahore.

Perhaps the possibility of India violating the international frontier was not seriously contemplated, a view apparently expressed

1. Hobbes, *Leviathan*, Chapter XIII.

2. Under an operation with the code name *Gibraltar*, Pakistani commandoes are reported to have crossed into the valley to assist an anticipated local uprising. Though this action may have been inspired by some generals or Zulfikar Ali Bhutto, it would be simplistic to assert as it has been maintained by some that the operation was the result of some conspiracy hatched by the Foreign Office. This action in the author's view, must be considered in the light of the India's arms build up and consequent Pakistan's fears and lack of sympathy from the West.

by Bhutto at the time, in view of the disputed nature of the territory of Kashmir which had been the scene of conflict before and due to the limited nature of the operation. Secondly, if such an eventually, which could not be over-ruled, did occur, it was hoped, the situation in the valley would have reached a point where the West could be pressured into finding a settlement. As events turned out, hopes of an uprising were disappointed and India launched an attack across the international border without hesitation.

It has been maintained by some that the conflict had been engineered by Ayub's Foreign Minister Zulfikar Ali Bhutto who in the pursuit of an ambition of power had sought to hurt the foundations on which Ayub Khan's authority had rested.[1] In support of this view Bhutto's speeches are cited in which he had consistently adopted an increasingly bellicose attitude thereby committing Ayub Khan to an irrevocable position. They refer to a lobby within the army, inspired by Bhutto, which desired a military solution before it became too late, and assert that Bhutto had misguided Ayub Khan about the probability of Indian attack across the international frontier. Bhutto's later conduct, notably his exploitation of the Taskhent agreement, is cited as a link in the same chain. The facts would perhaps never be known and some of those directly involved during the conflict and best qualified to speak are no more alive. To be sure, Bhutto himself, while addressing a public meeting at Burki, a border village near Lahore, on the occasion of the third anniversary of the September War, claimed that he was responsible for engineering the conflict in much the same way as the Quaid-i-Azam had ordered troops into Kashmir.[2] Bhutto had then committed himself to oppose Ayub Khan and it is difficult to say whether his statement was more than an attempt to appeal to the chauvinistic sentiments of the people, especially in the Punjab. He had consistently tried to project Ayub Khan as the one who had capitulated, and on every possible occasion promised to divulge the 'secrets' of Tashkent. There can, however, be a temptation to read later developments into earlier events. The fact, however, remains that whatever

1. See for example, M. Asghar Khan, *The First Round*, Islamic Information Services Ltd., London 1979, p. 112.

2. See Herbert Feldman, *From Crisis to Crisis*, Oxford University Press Pakistan Branch, 1972, p. 150.

may have been Bhutto's intentions, the responsibility for the direction of the country's affairs must remain that of Ayub Khan's alone.[1]

The War and its Aftermath

It is not intended to give an account of the sixteen days war, being concerned here more with its implications and consequences. In order to appreciate the course of events that followed, it seems necessary to bear in mind the enormous impact which the war produced on the minds of the people. In East Pakistan, the pervasive feeling was of that of being left alone and unprotected. The traditional theory that the defence of East Pakistan lay in the West could not hold good in face of the realities of war. The need for an independent defence capability of East Pakistan established itself in the minds of the people. In the West, although hostilities had lasted a bare fortnight, a legend of heroes and martyrs had been gathered. From the reports which reached the people and by the actual valour shown by the soldiers in the field of battle and in air combat a conviction grew that a decisive break-through was on the anvil. To the soldiers and officers too, it appeared that a tangible gain was in sight as a decisive battle had not yet been fought. In the darkened nights and during the long curfew hours the people, with their passions aroused, lay in the agony of hope. Thus it was that the announcement of a ceasefire on the midnight of September 22 fell on ears that were unprepared. It was Ayub Khan's misfortune that he had misjudged the nation's temper.

In an emotional speech made before the Security Council on the day of the ceasefire Bhutto declared a firm resolve to wage war against India for a thousand years. The speech relayed on the radio and the television and projected by the newspapers lifted Bhutto immediately into the position of a hero.

During the war, the West had maintained strict neutrality and so had Pakistan's Western partners in the SEATO and CENTO in view of the new relationship which had developed between India and the West after the Sino-Indian War. The West had also their vital economic interests to look after. Turkey and Iran, despite

1. Both Bhutto and Aziz Ahmad were however, removed from office after the war.

American pressure, had made some limited supplies of arms. Naval submarine support lent by Sukarno was of help in the Karachi waters. Of more importance was the Chinese ultimatum to India to vacate certain border posts in the north-east frontier which apparently dissuaded India from opening a front against East Pakistan.

Considerations of secrecy and national pride prevent the disclosure of factual position during war and afterwards. This understandable concern, when carried beyond a certain point, can be counter-productive as it quite easily leads to false expectations and unrealistic attitudes among a people. So it was with the September war and the man to suffer most from the people's ignorance and later from his own failure to confront them with facts was Ayub Khan.

Ayub Khan had probably been the only leader who had been unemotional about Kashmir. A natural reserve and caution which becames an army general, was ill-suited, however, to a political situation animated by extraordinary passion. In times of war the actual state of affairs is known only to the few at the top. How much was the war costing? How quickly were the military stocks depleting? How long could the nation withstand the strains, in economy and human sacrifice and with what prospects of gain? A man sitting responsibly at the centre of power must necessarily weight these and similar questions. Ayub's failing lay not in the decision to accept the ceasefire but in his inability to adequately perceive the political implications of his decision and to meet them in order to maintain his position at home in the face of reaction.

Ceasefire had left the forces opposing each other and an uneasy peace prevailed amid a national temper seeking a renewal of hostilities. That the country had stood up courageously against aggression and had fought the enemy back was not how the people viewed the situation. The writhing disappointment lay in the lack of a tangible achievement which appeared to lie within grasp, failing which the sacrifices appeared to have been endured in vain. The main issue was Kashmir on which no gain had been made. It is significant that many of the soldiers and officers were also unconvinced. Ayub had begun to lose support in his own constituency, the army.

With the West unwilling to intervene, the Russian offer of a mediation with American blessing so it seems, was welcomed and

President Ayub and Bhutto journeyed to Tashkent on January 4, 1966. It was after the most difficult negotiations and considerable pressure by Kosygin that a declaration was eventually agreed upon. The "Declaration" expressed agreement between India and Pakistan to make efforts to create good neighbourly relations in accordance with the United Nations Charter and called upon them to withdraw armed personnel before 25 February 1966 to the position they held prior to 5 August 1965.

Reaction Against Tashkent

On his return from Tashkent, President Ayub Khan chose to maintain silence. He was to pay heavily for this grave misjudgment of the nation's temper. His belated broadcast to the nation on the radio two days later in the wake of widespread demonstrations and rioting by the students in West Pakistan failed to assuage feelings. Nations in defeat have stood by their leaders. Pakistan had put up a valiant defence. Besides, President Ayub Khan had taken the opposition into confidence before agreeing to a ceasefire. Tashkent declaration had imposed no fresh obligations nor taken away her existing rights under the U. N. But the hour needed an emotional identification with the people. Unfortunately it was found wanting in Ayub. A defence of the Declaration was however, made by Bhutto in his speeches before the National Assembly on March 14 and March 16, 1966 and in his press statement of January 15, 1966, at Larkana.

The demonstrations by the students exposed the unpopularity of the regime and the deep unrest which had been building up for some time and the politicians felt encouraged to take advantage of it. The leaders were by no means agreed. Both the Awami League and the N. A. P. of Maulana Bhashani refrained from criticism. The first because, Kashmir did not figure for them as an issue of importance and the second, while inclined to the same view, could not also ignore the fact of Russian mediation. Chaudhary Mohammad Ali, Shaukat Hayat of Council Muslim League and the Jamaat-i-Islami denounced the Declaration. The main opposition therefore came from West Pakistan and mainly from the League but it proved powerless to organise dissent into an effective challenge and a National Conference was convened on February 5-6, 1966 to evolve a common stand on the Tashkent Declaration.

Out of more than 700 delegates only 21 represented East Pakistan and they comprised the delegation led by Sheikh Mujibur Rehman. It was in this Conference that Sheikh Mujibur Rehman put forward his famous Six Points.[1] He appeared more concerned with the issue of autonomy for East Pakistan than with the Tashkent Declaration. When his proposals met with opposition he withdrew from the Conference, rejected the resolutions it had passed and left for East Pakistan. The Conference failed, though it condemned the Tashkent Declaration. The ineffectiveness of opposition was demonstrated by the arrests made of some of the prominent leaders as soon as the conference had concluded. Protests over the arrests were vehement but failed to move the Government.

Having subdued the opposition in West Pakistan, Government turned its attention to East Pakistan with more confidence. In a sudden crackdown, Sheikh Mujibur-Rehman and a number of his supporters were arrested. Mujib was later accused, alongwith some others, of a secessionist plot, known as the Agartala Conspiracy, to which we shall revert later. Two other events merit notice here. In 1966 Zulfikar Ali Bhutto, who had begun to flaunt his newly acquired popularity at the expense, so it seemed, of the President, incurred the latter's displeasure and was relieved of his duties. In September of the same year, the Nawab of Kalabagh Governor of West Pakistan who had been partly instrumental in Bhutto's exit, himself fell from grace. It appears that a powerful lobby of officials enjoying the confidence of the President had been competing with the Nawab for influence. It finally succeeded by assembling evidence suggestive of the Nawab's ambition, in arousing Ayub's suspicions to which personal rule is prone. The immediate cause seems to have been precipitated by a bye-election to a seat of National Assembly from Karachi in which the candidate favoured by the President lost against the Governor's nominee. The Nawab's departure left a vacuum. Since his appointment in 1960 as the Governor of West Pakistan he had kept West Pakistan firmly under control by a policy which combined severity with political and administrative talent. Though certainly no progressive, he was peculiarly adept in mobilising the support of the landlord politicians,

1. See p. 102, *infra*.

a class to which he himself belonged, while at the same time taking much of the odium upon himself for repressive measures. This arrangement had suited the President well. But it obscured from the President's mind the value of his services. In the troubled days that lay ahead, Ayub was to find himself without the support which had powerfully stood by him for six years.

'The Gathering Storm'

Although the opposition had been unable to shake the government, it was plain that all was not well. While dealing with the presidential election of 1965, a mention was made of the forces of disaffection which had been steadily growing and finding their way to the surface. Although these forces had not yet acquired the strength to threaten Ayub's authority, it could nevertheless be asserted with some justification that his re-election by the Basic Democrats had failed to reflect the general will. We had also discussed the essential weakness of his system, notably its failure to establish a popular basis of authority. However, Ayub Khan had apparently felt bold enough to launch on the course of war, which was probably in G. W. Chaudhry's words "the biggest mistake of his rule". In the aftermath of the war and the Tashkent Declaration, dissatisfaction had broken out into an outburst of rioting by the students which was later joined by the urban population, a situation ripe for exploitation by the politicians. More ominously his prestige within the army had suffered eclipse.

Economic discontent and the movements for regional autonomy in East Pakistan and for the dissolution of West Pakistan in the western region began to assert themselves with increasing power. Ayub Khan's regime had taken legitimate pride in the rapid and impressive growth in industry and agriculture that had taken place under its auspices. However, this development was not matched by equitable distribution of profits. Thus, while liberal policies permitted huge profits to be reaped and led to the growth of big business, cartels and monopoly and the concentration of the wealth of the country in the hands of some thirty families, very little tangible benefit had flowed down to the ordinary worker, the salaried classes, and the vast class of agricultural labour. The contrast between

the rich and the poor had greatly widened. Among those who displayed their riches were some members of the President's family. The economic development was partly encouraged as a matter of deliberate policy, being considered as the means to the accumulation of capital, which was required for industrial growth. A new class of industrial barons consequently came into existence, a counterpart of the merchant 'robber-barons' of the 18th century Europe. Although much of the gains were ploughed back into productive investment, the cost of this kind of progress was socially unacceptable and politically disastrous. It is no coincidence that the celebration of the 'decade of development' which began in October 1968 at an estimated cost of 150 million rupees sparked off the final spate of agitation which engulfed the regime.[1]

The circumstances attending the establishment of One Unit i.e., the integration of the provinces of West Pakistan into a single province, had been inauspicious. Its practical working ensured its failure. The concentration of authority at Lahore, the seat of the provincial government, became a source of infinite irritation and constant inconvenience, and led to neglect of local needs and problems. It offered little scope for regional political ambition. While the first problem was amenable to some kind of a solution like the delegation of authority or bifurcation of departments, the second defied solution. This unsatisfactory state of affairs was, however, allowed to drift, setting in motion centrifugal forces within the body-politic, weakening yet further the declining authority of Ayub Khan.

The rise of the movement for regional autonomy in East Pakistan constituted the most ominous political development during Ayub's regime and bore testimony to its major political failure. In a democracy, a majority is not in need of protection or safeguards. A near total exclusion from political authority had combined with a grievance against economic exploitation to create a climate which threatened national unity. Twenty-six years after the Lahore Resolution was passed in 1940, a veiled scheme for the separation of East Pakistan was presented in the same city by Sheikh Mujibur-Rehman at Lahore which was embodied in the famous 'Six Points'.

1. The 'Decade of Development' was believed to be the brain-child of the Ministry of Information.

These developments now moved rapidly towards a climax. In the tangled web of events it is difficult to pick out one factor as being more important than the other. It was the cumulative weight of various factors under which the regime staggered to a fall. Two facts, however, stand out among the events that made up the last act of the drama; Ayub's illness and the agitation launched by Zulfikar Ali Bhutto.

In February 1968, Ayub Khan who had appeared in perfect health, suddenly fell ill. Although the official bulletin stated that he was suffering from influenza, the President had in fact suffered an attack of pulmonary embolism, an attack of pneumonia in consequence of which a clot had passed through his heart. For a while it appeared that he might not survive. Speculation was rife. Ayub, however, did recover, though forced to prolonged rest and inactivity. But all was uncertain. The question of a successor immediately arose, for it was felt that the procedure prescribed in the Constitution would not run its normal course. Among the three Service Chiefs, traditionally, the Chief of the army had the best chance.

Ayub Khan, however, gradually recovered and was back to office after three months. But it was never the same again. In a personal rule, a full possession of faculties and powers is of the essence. In the twilight of his failing health there was a resurgence of opposition and it appeared that Ayub might not receive the necessary support from the army to meet the challenge of the opposition to maintain his position. The Pakistan Democratic Movement formed an ad-hoc coalition called the Democratic Action Committee. The political leader however, who now came out with a savage attack on the policies and person of Ayub Khan was Bhutto. Zulfikar Ali Bhutto, after his removal from the Cabinet had at first maintained silence. Later, he played with the idea of forming a forward block within the Convention Muslim League. When faced with the choice to either conform to the party discipline or quit, he left the Convention League and formed his own independent party, called the Pakistan Peoples Party, with socialistic leanings. His opposition to the regime had been cautious. In the months following President's illness and apparently with the blessings of some

of the Generals[1] he lashed out against the policies and person of Ayub Khan whom he portrayed as having capitulated at Tashkent and threatened to disclose the secret clauses. A scuffle between the students and the police at the Polytechnic in Rawalpindi led to the death of one student which was immediately seized upon by Bhutto to spark off a country-wide agitation for which a situation had been ripe for a long time. The movement soon spread to East Pakistan where the ground was already prepared by the Awami League. The appearance of Air Marshal Asghar Khan and Justice Murshed of Dacca lent prestige to the upsurge against Ayub. The Air Marshal summed up the position: "the rejection of Ayub Khan is utter and complete. In his person President Ayub Khan rightly or wrongly, symbolises in the eyes of the people all that is evil in our society."[2] That Ayub Khan must leave was the cry which reverberated in the country. What might follow did not matter.

The decline in Ayub Khan's authority was shown in the matter of the Agartala Conspiracy in which Sheikh Mujibur Rehman along with the other accused had been charged with a conspiracy to overthrow the government by armed revolt. The accused allegedly had been meeting at Agartala, a border town in India where they were joined by P. N. Ojha, a first Secretary in the India High Commission who was declared a *persona non grata*. The accused included two C. S. P. officers, Lt. Commander Muazam and a few junior officers. It is not of much interest to trace the course of the trial in view of its subsequent fate. It may, however, be observed that during the trial Mujib gained virtual martyrdom and the death of one of the accused in detention, who was shot down while attempting toe scape, caused serious large-scale riots. Agitation which had hitherto been mainly confined to West Pakistan now spread to East Pakistan and Martial Law prevailed in major cities.

1. G. W. Choudhury writing in 1974 on the basis of personal knowledge and the revelations made to him by General Peerzada has stated that the agitation launched by Bhutto was the result of a collusion between him and General Peerzada who was an arch-enemy of Ayub. In 1964, Peerzada had been removed from the office of Military Secretary to the President following a heart attack. He had never forgotten it. He now wanted to re-enter the President's House but this time as Yahya's associate and with more powers. See G. W. Chaudhury, *The Last Days of United Pakistan*, Hurst & Co. London 1974, pp. 22, 31.

2. *Dawn*, 27 January 1969.

The Emergency imposed since the Indo-Pakistan War in September, 1965, was curiously lifted on 18 February 1969. Thousands of workers who had been detained were released. A call for a meeting with the Opposition leaders now went from the President. Agartala case was ordered closed. Mujib had been apparently vindicated.

It seems that the army was reluctant to be used beyond a certain point. Ayub was thus forced to seek accommodation with the politicians. Ayub's attempts at negotiations were initially unsuccessful. D. A. C. was prepared for talks on certain pre-conditions. Bhutto was opposed to parleys. The President's decision in February 1969 to retire on the expiration of his term in January 1970, however, made possible the round table talks to take place which were finally held in Rawalpindi at the end of February and were attended by the representatives of the D. A. C. and Sheikh Mujibur Rehman. By obtaining the President's agreement to the restoration of the parliamentary system and adult franchise, the D. A. C. had won its principal demands. The Emergency had already been lifted. The President, however, did not yield to the demand for the dissolution of West Pakistan or to the Six Points. Mujib, being unsatisfied on these issues, withdrew from the D. A. C. and the Round Table Talks broke down.

The withdrawal of Mujib and the consequent breakdown of the talks provoked disorder in East Pakistan, beginning with the call to strike by the All-Pakistan Students Action Committee at Dacca which brought to a halt train services and governmental work. Violence penetrated the rural areas and many of the lower functionaries and the Basic Democrats were murdered. Agitation grew unabated. Monem Khan who felt no longer able to control the situation, fled to the safety of Islamabad.

The situation had evidently gone beyond the power of civilian authorities. Large areas in East Pakistan were already under the control of the army. Whatever possibilities may have occurred to Ayub it seems that he would not have entrusted power to either Mujib or Bhutto. Yet, the army was reluctant to impose Martial Law. Though ambition may have something to do with it or the urgings from Yahya's associates, especially General Peerzada, it is nevertheless difficult to see how the army could have indefinitely supported a regime which had lost support among the people.

Even the bureaucracy seeing the change had begun to move towards a neutral position.

The imposition of Martial Law implied that the Constitution would be scrapped. Ayub Khan resigned his office on 25 March, 1969, and formally asked General Yahya Khan to take over authority.[1] Martial Law was imposed by Yahya Khan. The Constitution of 1962 was abrogated and political parties were banned, recalling the events of October, 1958.[2]

Ayub Khan's rule thus ended on a note of disillusionment and failure. He had sincerely striven to give to the country a stable political structure but the system which he had devised was not likely to achieve this objective and the institutions which he had created ended with his rule. His rule exposed the weakness and limitations of an administrative state and the unrealty of aiming at political stability through bureaucratic discipline. The experiment of training people in the art of self-government under the scheme of Basic Democracies had foundered in its early stages and had left them more than ever alienated. At the same time, the futility of ballot through indirect elections had been demonstrated. The unity of the country was dear to his heart, but his rule, through exclusion of East Pakistan from a share in political authority and its economic subservience to the west wing, only contributed to the rise of the movement for regional autonomy in the eastern province. The urge for political participation, the hopes and aspirations of the urban population, and even the rural masses, thanks to the system of the Basic Democracies, found no response in the man or his programme. The traditional power-structure, based on landowning, continued, to which were aligned the rising commercial and industrial classes.

Although Ayub Khan had desired to prepare the people for a democratic life, the means which he had adopted were not likely to achieve this objective. His rule in effect arrested a genuine growth

1. This act was considered to have been in breach of the very Constitution, on which Ayub Khan claimed that he had 'sweated blood'. Under the provisions of the Constitution the Speaker of the Assembly should have assumed authority, pending election of the new President.

2. Yahya Khan's assumption of authority was pronounced as illegal by the Supreme Court of Pakistan and he was declared as a usurper. *Asma Jilani V. State*, S. C. 1972 PLD, p. 139.

of politics. Paradoxically, it permitted the old parties to survive, though in name, although they had long forfeited popular support. The party which he ultimately created crumbled to the dust after him. Ayub Khan thus left a political vacuum. Mighty forces of discord and disunity were at work. In East Pakistan, Sheikh Mujibur Rehman emerged as the passionate advocate of the rights of the province with unknown designs under his scheme of Six Points. In West Pakistan, Zulfikar Ali Bhutto was destined to move into the vacuum with the surging passion of dark ambition to reap the rich harvest of neglected souls. The momentum of these developments was, however, arrested for the present. Silence had been imposed by Martial Law. Artificial stillness brooded over the land.

CHAPTER IV

Civil Strife and the Secession of East Pakistan—The Yahya Khan Interlude

1969 - 71

THE state of the country in March, 1969 was vastly different from its condition in October 1958. On the earlier occasion, martial law was generally met with relief by the people who had grown weary of political instability and therefore welcomed authoritative decision making by the military. Ten years later, the authoritarian rule under a presidential form of constitutions stood rejected. During this long period, Ayub Khan had presided over the destiny of the country. Few politicians exercised any real authority to share the blame for Ayub's failure, though a number of them became the instruments and the beneficiaries of his rule. In the closing phase of Ayub Khan era, society was astir with new socio-economic and political forces. There was wide-spread discontent and rising economic expectations. The people, disenchanted with the rigour of personal rule longed for participation and a resumption of political activity on the old pattern. Provincial rights had become a dominant issue, especially in East Pakistan, where the rise of the movement for regional autonomy threatened the very unity of the country. The political agitation in which Ayub's authority had dissolved, had in the circumstances demanded, above all, the restoration of the parlia-

mentary system based on adult franchise and provincial autonomy. At the opening of the year 1969, when General Yahya Khan assumed control of the direction of its affairs, the country by any reckoning presented a situation of great complexity and danger.

The assumption of power by Yahya Khan, however, only represented the replacement of one authoritarian rule by another, more rigorous. Unlike Ayub, Yahya had no political ideas or a panacea for the country's ills. Although he declared it as his aim to transfer authority as soon as a suitable constitution was framed by the elected representatives of the people, the man was unequal to the task. Appreciating but little the situation over which he presided, he proceeded to take the most far-reaching decisions. He thus brought to a head the very forces which he had apparently set out to control and which had earlier swept his former chief out of office. The problems became insurmountable for him after the general election of 1970. He had now to contend with Sheikh Mujibur Rahman in East Pakistan and Zulfikar Ali Bhutto in the West wing. The events shaped by the ambition and actions of these two politicians created a crisis. When faced with this situation, the talent in Yahya to rise to the occasion was found wanting.

Although there has been some speculation to the contrary, there does not appear to be any genuine evidence to suggest that Yahya Khan had schemed for the dethronement of his former Chief. Ayub's decline in authority was traceable to other factors, a process hastened in the aftermath of the War of 1965 and by Ayub's weakening hold over the affairs of the country following his sudden illness in early 1968. His temporary incapacity had raised the question of a successor. A civilian replacement in the political tumult was probably considered as impracticable.[1] Yahya's remarks, reported to have been made in private company that he was the next President must be taken as the expression of a probability which he might have contemplated in the circumstances, rather than of ambition or disloyalty. It is also difficult to believe that Ayub Khan could have trusted any politician with the power of the state.

1. G. W. Choudhury writes about "jockeying and jostling" by the Services Chiefs. See his *The Last Days of United Pakistan*, C. Hurst & Co., London 1974, p. 28

In fact his distrust of the politicians must have increased after the failure of his talks with the politicians and "the senseless agitation," as he called it, under which the system which he had built up crumbled into ruins. To his mind, no other course consistent with the national interest lay open, than to ask the Chief of the army to bring the country back to normalcy and restore the machinery of the Government.[1] It was, however, apparently implicit in such a situation that the constitution would be scrapped. According to G. W. Choudhury, there was a 'collusion' between General Peerzada and Bhutto, as a result of which Bhutto started the mass agitation to precipitate Ayub's fall. If true, it seems to have been motivated by the personal ambition of the two men[2] and does not appear to have formed part of Yahya's design. We may also avoid reading too much into the reported unwillingness of the army to support Ayub. By tradition, the army has tended to identify itself with the state or the nation as a whole and not with any particular party or a regime, even though it be headed by a former army Chief. The army, therefore, is reluctant or unwilling to compromise its moral standing by supporting an unpopular government beyond a certain point. The causes of Ayub's loss of popular hold lay outside the army. It would be misleading to attribute his fall to any plan engineered by Yahya Khan.

1. The assumption of authority by General Yahya Khan as the Chief Martial Law Administrator and President and the abrogation of the Constitution of 1962 by him was declared as beyond the scope of the mandate of authority embodied in Ayub's letter addressed to Yahya Khan and it was pronounced by the Supreme Court of Pakistan as illegal and Yahya Khan himself was declared as a usurper of authority. See *Asma Jilani V. The State*, Supreme Court PLD 1972, p. 139.

2. General Peerzada had been shifted from the post of Military Secretary to President Ayub in 1964 after a heart attack. According to G. W. Choudhury he now aspired to re-enter the President's House as Yahya's associate but this time with greater power. His plans were thwarted by Ayub's recovery from illness. It was then, Choudhury writes, that an understanding was reached between the two men, as a result of which Bhutto began the agitation with renewed vigour by playing upon the theme of Tashkent and thus lent his weight to the forces of disaffection that had been long in operation against Ayub's regime in both Wings of the country. See G. W. Choudhury, *The Last Days of United Pakistan*, C. Hurst and Co., London, 1974, p. 22. It may, however, be borne in mind, that G. W. Choudhury was a member of the Yahya Government which all the politicians, including Bhutto, desired to topple.

The man who now started afresh was basically a professional soldier. He was promoted as Major General at the age of 40. During his various assignments Yahya had had little to do with the politicians or a political situation except perhaps during his term as the General Officer Commanding (G. O. C.) in East Pakistan in the year 1968. That was the time when disturbances had broken out and unrest prevailed in the province in consequence of the unceremonious withdrawal of General Azam Khan, Governor of the province, who had become too popular there for Ayub's liking. Yahya, the trusted lieutenant, was despatched to the troubled province to silence protest.[1] This experience, however, does not seem to have made him any wiser. On the other hand, it seems to have produced in his mind a belief in the efficacy of firm action in East Pakistan, a lesson which he applied, perhaps unconsciously, nine years later in a vastly changed situation with disastrous consequences. As a person, Yahya Khan, despite his gruff bearing, was usually regarded by those who were close to him as a good-hearted, generous man, much given to social pleasures which consumed his spare moments.

With a confidence derived perhaps from the deceptive calm of martial law and from a compulsion to discharge the responsibilities which he had assumed, Yahya Khan soon set himself to the task of ordering the political life of the country.

Dissolution of West Pakistan and the End of 'Parity'

During his negotiations with the politicians in the closing phase of his rule, Ayub Khan had agreed to restore a parliamentary system of government and to allow universal adult franchise as the basis of election in place of the electoral college of the Basic Democrats. But he had stood firm against the demand for the dissolution of West Pakistan or 'One Unit' into its former component provinces, a demand made by the political leaders of the minority provinces, notably Khan Abdul Wali Khan and Zulfikar Ali Bhutto. Nor did he agree to the principle of one-man-one-vote to replace the parity of repre-

1. Yahya was one of Ayub's confidants. He was one of his close associates in the *Coup* of October, 1958 and this fact also perhaps accounted for his rapid promotion.

sentation between the two wings in the Legislature of the country which had formed the basis of the constitutional settlement of 1956, and had underlined Ayub's Constitution of 1962, and to which was linked the integration of the provinces of the West wing into the single province of West Pakistan.

The regime of Yahya Khan, deeply affected, so it seems, by the political agitation which had convulsed both parts of the country in which Ayub's authority had melted away, decided to dissolve West Pakistan and to undo parity in the hope of conciliating political sentiment in both parts of the country.

The principle of one-man-one-vote was unexceptionable from the democratic viewpoint. Its application had, however, been resisted in the past by the West wing on account of its fears of Bengali predominance. These apprehensions could not be tested by actual experience. It is arguable that Bengali predominance may not have always occurred, in view of the fluctuating nature of party-politics. Even if the East wing had predominated in the Government, it is difficult to assert that it would necessarily have acted against the interest of West Pakistan, or could do so, if it had so desired. The true reasons, as we had earlier seen, were different. It need only be observed here that a consequence of it was that the integrating power of democracy was not utilised by the country. Instead, parity of representation of the two Wings was adopted as a compromise formula in the Constitution of 1956. But parity, was not put to the test as elections under the Constitution of 1956 were not held. Under Ayub Khan's system, 'parity' was retained but it now became unimportant because the centre of power was now located in the office of the President and not in the Legislature and East Pakistan had been practically excluded from a share in authority. Faith in parity had consequently been undermined, a factor contributing in due course to the rise of the movement for regional autonomy in East Pakistan and of Bengali 'sub-nationalism'.

When Yahya assumed authority, the political life of the country had become polarised between its two parts and the politicians who now dominated the scene were regional in their outlook and ambition. In the circumstances, the decision to allow one-man-one-vote was fraught with danger. With the grant of numerical preponderance to East Pakistan, the prospect of domination by that province had now become real as the presumption of the existence of political

parties at the national level with a following in both parts of the country was no longer valid. The decision had come fifteen years too late.

Although many explanations have been offered for this decision, it seems probable that the regime, with little contact with the people, visualised the emergence of a number of political parties in the legislature but none in a commanding position, thereby leaving initiative in the hands of the President. The coalition governments which were likely to emerge, therefore, did not pose a threat.

Having taken the two major decisions, Yahya Khan now proceeded to redeem the pledge which he had given to the nation to transfer authority to civilian hands as soon as a 'suitable' constitution was framed by the elected representatives of the people. In July 1969, Justice Abdus Sattar was appointed as the Chief Election Commissioner and in the following month the work on the preparation of the electoral rolls was ordered to be taken in hand. In November, the President announced that One Unit would be dissolved and fixed October 5, 1970, as the date for the election to the National Assembly. The Legal Framework Order (issued on 30 March, 1970) laid down the principles to which the Constitution must conform. The National Assembly was required to frame a constitution within 120 days on pain of dissolution. Out of 313 seats of the proposed National Assembly (including 13 seats reserved for women) the number of seats allotted to East Pakistan was 169, including 7 reserved for women. The remaining seats were apportioned among the provinces of the West wing. Full political activity was allowed from January, 1970 and the press after a long time tasted almost total freedom.

The Authoritarian Regime and the Bureaucracy

Before we turn to the election, we may take a brief look at the nature of the new regime and the purge of the bureaucracy. The rule by Yahya Khan represented the greatest concentration of authority yet achieved by any government or regime in the country. In his own person, Yahya combined several offices. As President, he exercised supervision over all the armed forces. As the Chief of the army, he maintained direct control over the army. As the Chief Martial Law Administrator, his word was law. The civil and

military channels flowed upto him through his Principal Staff Officer (P. S. O.) the Bombay born General Peerzada, described by the *Sunday Times* as the Military Prime Minister. Yahya, however, did not act alone. The regime appears to have acted as a kind of a military cabinet though all voices did not carry equal weight. Among the Generals who mattered were Gul Hasan, Abdul Hamid Khan, Akbar (intelligence), Umar and Mitha. Air Marshal Rahim represented the Air Force. The inner circle included Yahya's own brother, Agha Muhammad Ali, a former Additional Inspector General of Police, now placed incharge of National Security. The man intimately and constantly in touch with all policies and actions was General Peerzada—the P. S. O. It is not proposed to describe the actual working of the regime and its suitability either for internal governance or in relation to the conduct of war which it was destined to face. A feature of the new system may, however, be noticed here. In the new set-up the bureaucracy had been practically excluded from having a say in the framing of policy or a share in authority.[1] The regime had thus chosen to deprive itself of access to the views and advice of the bureaucracy. General Peerzada's hostility to the civil servants was well-known. He is reported to have remarked, "we took the blame last time when every thing was done by the civilians. This time we will do every thing and take the credit too".[2] From his talks with Peerzada, Choudhury writes, he could discern bitter feelings and prejudice against the senior civil servants. He (Peerzada) could never forget his removal from the President's House as Ayub's Military Secretary which, according to him, was not due to his heart ailment but to a "plot" by the civil

1. G. W. Choudhury has described the new set up. Under Peerzada "were two Brigadiers: Rahim, a Punjabi who was given charge of Martial Law affairs and Karim, a Bengali, who was put incharge of civil affairs. These two Brigadiers (subsequently promoted as Major Generals) were the "super-Secretaries"; no Secretary of any Ministry could send a file to the President without going through these two, who were under the direct control and supervision of the P. S. O. It was an amusing phenomenon to see the top bureaucrats waiting in the corridors of the Brigadiers and then at the office of the all powerful P. S. O. Very rarely did they have occasion to see the President himself". See G. W. Choudhury, *The Last Days of United Pakistan*, C. Hurst & Co., London 1974, p. 50.

2. Quoted in Fazal-i-Muqeem Khan, *Pakistan's Crisis in Leadership*, National Book Foundation, Karachi, 1973, p. 19.

servants against an army officer who was trying to minimise their influence with Ayub".[1]

In October 1968, in dramatic circumstances about three hundred senior government officials, some of whom were already on leave preparatory to retirement, were placed under suspension under a Martial Law Regulation pending inquiry into allegations of corruption, misconduct or abuse of authority and the action was given wide publicity. The reasons for initiating disciplinary proceedings in the form of a major dramatic operation amounting to a virtual condemnation before trial, are not fully known. It took some weeks before the charges were made known to the officers. After passing through a summary trial before this specially constituted Military Tribunals, a majority was dismissed and the right of appeal was denied. The record of these proceedings was not made public.[2]

This action seems to have been the brain-child of Peerzada, though a precedent had been set by Ayub Khan. But other considerations too may have prevailed with the regime. For one thing, it could deflect criticism aimed at Ayub Khan and the members of his family. During Ayub's regime allegations of corruption and misuse of office in high places had provided the anti-Ayub agitation with one of its principal weapons of attack. The demand for a public enquiry into the improprieties committed and the fortunes made by Ayub Khan and the members of his family had been vocal and widespread.[3] The action besides promised popularity. It could also cut the bureaucracy to its size and lend justification to the assumption of authority by Yahya Khan. As an essay in reform or as a means of maintaining bureaucratic discipline the regime does not seem to have set store by this Regulation. No officer, during the remainder of Yahya rule was preceded against under this Regulation. But the action further destroyed the security

1. G. W. Choudhury, *The Last Days of United Pakistan*, C. Hurst & Co., London 1974, p. 54.

2. Upon the establishment of Service Tribunals under the 1973 Constitution some of the affected officers filed appeals before the Tribunals. The question of the appellate jurisdiction of the Tribunals in the matter was before the Supreme Court at the time of writing.

3. An outspoken critic who demanded an inquiry was Bhutto.

of the public service and led to its sharp decline in public esteem.

The officers proceeded against might have been no better or worse than those who were left out. The lack of dignity which accompanied this action, however, revealed a sadistic aspect of the regime. East Pakistan was particularly hurt as about forty per cent of the officers belonged to that Province and they were generally held in high esteem. The imposition of the Martial Law had come at a time when it was believed by most of the East Pakistanis that their demands were on the point of being accepted. They had, therefore, suspected, in the promulgation of Martial Law, the hand of a conspiracy to deprive East Pakistan of its rights. Now, the removal at one stroke of a large number of senior officials belonging to East Pakistan, which depleted its meagre representation in the higher echelons of the bureaucracy, appeared as part of a design, to a people prone to suspicion. At the same time, the exercise of capricious authority and the contempt for individual suffering was too blatant to convince any one in that province that justice was or could have been done. The action, though generally acclaimed in West Pakistan, caused profound resentment in the Eastern Province deepening its distrust of the regime.[1]

The General Election—1970

During the parliamentary period (1947-58) general elections were frequently promised but not held. During the Ayub regime (1958-69) elections to the legislatures and to the office of the President were held under the Constitution of 1962 but the voters comprised the electoral college of only 80,000 Basic Democrats,[2] equally divided between the two Wings. The general election promised by Yahya Khan and scheduled to be held on 5 October, 1970, on the basis, for the first time, of universal adult franchise therefore signalled an event of major significance. The past being hardly any guide, it was difficult to predict the outcome.[3]

1. Most of the officers were reported to have been reinstated in service by the government of Bangladesh.

2. The number was later increased to 120,000.

3. In early fiftees elections in the Provinces were held on the basis of adult franchise. On these the Election Commission of 1961 has observed that "they were a mockery and a farce, a fraud on the electorate".

Students of Indian affairs will recall the trepidation with which the Indian Congress Party in the plenitude of its glory had approached the first general election in 1950 because it was being held on the basis of adult franchise.[1] By contrast, the situation in Pakistan in 1970 was hardly auspicious. Since the representative system came to an inglorious end in October 1958, a genuine growth of political life could not take place in the country. The forces of disaffection which had been germinating for a long time, finding no outlet for responsible expression, had taken to violence and political agitation. Meanwhile, politics became critically polarised between the two Wings. In the ensuing political tumult, the authority of Ayub Khan had dissolved in March, 1969. The sudden induction of several million voters, mostly illiterate and an easy prey to emotion and prejudice, in these circumstances, to say the least, was full of peril. The regime of Yahya Khan does not seem to have given a thought to the causes of discontent in order to bring about a saner political climate before holding the general election. By shrinking from this grave responsibility due to ignorance or incapacity it was only permitting the political forces to take whatever course they might.

The election campaign began in January, 1970 and lasted incredibly for almost a full year. In East Pakistan, the political scene from the beginning was dominated by Sheikh Mujibur Rahman, the leader of the Awami League. A longtime champion of the rights of the Bengalis, Mujib had remained under detention for long periods and had faced suffering and the tribulations of trials. With the halo of a martyr he now spearheaded a movement for the rights of East Pakistan. The charter of provincial autonomy was contained in the Six Points, first announced in March 1966, at Lahore. Briefly, they called for (1) a Federal Pakistan on the basis of Lahore Resolution; a parliamentary form of government and adult franchise; (2) federal government to deal only with defence and foreign affairs; (3) two freely convertible currencies for East and West Pakistan, or in lieu, effective provisions to prevent the flight of capital from East to West Pakistan. A separate Banking Reserve, and a separate fiscal and monetary policy for the eastern province; (4) provinces alone to have tax-levying powers, but Centre would be

1. See Morris Jones, *Government and Politics of India*, Hutchinson University Library-London 1967, pp. 94-95.

entitled to a share for its expenditure; (5) the two regions to establish trade links with foreign countries with separate accounts for foreign exchange earnings. The two Wings to share equally the Centre's expenses; (6) the establishment of a separate militia or a para-military force for East Pakistan.

The boycott of elections by Maulana Bhashani and by the National Progressive League and Krishak Saramik Party in East Pakistan left the Awami League virtually alone in the field. The Awami League's campaign soon turned itself into a movement of Bengali resurgence. Provincial nationalism was aroused by passionate oratory and burst into a fury of unavenged wrong. The traditional parties, like the Muslim League and the Jamaat-i-Islami or the Nizam-i-Islam Party, were swept away like leaves before the wind.

In West Pakistan, the emergence of Zulfikar Ali Bhutto, the former protegé of Ayub Khan, on the political scene was a relatively new development. Bhutto had attracted public attention during the Indo-Pakistan War of 1965 by projecting himself as a nationalist. Especially, his posture of defiance against India had endeared him to the people of the Punjab. The election campaign gave him the opportunity he needed for the exercise of his political talents. He enunciated a programme with a potential of mass appeal and brought to the election campaign unexampled showmanship. The Pakistan Peoples Party which he had formed expressed its philosophy thus; Islam is our religion; Socialism is our economy; Democracy is our politics and all power belongs to the people. It summed up its electoral promise as the provision to every one of *roti*, *kapra* and *makan* (lit. food, clothing and shelter) and the grant of 12 acres of land to each landless peasant. The net of appeal was thus spread wide to include most sections of the people. But the focus of his campaign was the vast, uneducated, poor masses newly enfranchised. He threw himself into the campaign with fierce energy and a burning zeal to cry a single slogan and to bring home a single message—the uplift of the common man.

The large gatherings which he attracted were thrilled by his histrionics, passionate oratory and a savage attack against the exploiters. A mixture of half-truths, specious promises, dramatic threats to make disclosures such as that of the Tashkent Declaration, were all pressed into service. As the strength of the party grew,

so did the arrogance of its leader who promised to fix up the opposition, tear down the oppressors and demonstrated the growing muscle power of the party by the organisation of 'peoples guards' to intimidate opponents or to disrupt their gatherings. Within months, Bhutto had succeeded in gaining ascendancy over all other parties despite their traditional hold and the influence of individual candidates. His was a politics of change, carrying a promise of economic uplift and he emerged as a politician altogether of a different class, with a capacity to reach the masses. By the time the polls were held, the myth of the man of the people had been established in the West wing.

The elections were postponed by a month on account of the terrible cyclones which had hit East Pakistan in mid-November and which is reported to have been the worst natural catastrophe in modern history.[1] Yahya was slow to react and assistance was meagre compared with the magnitude of the catastrophe. The situation was greatly politicised by Mujib and it was no doubt instrumental in his virtually total victory.

The polls were finally held in December, 1970. In West Pakistan, the Pakistan Peoples Party emerged with 82 seats (out of 138 allotted to West Pakistan) as the single largest party, though it was able to secure only one seat from the Frontier province and none from Baluchistan. Its success was, however, eclipsed by that of Sheikh Mujibur Rahman who yielded only 2 seats out of 169 allotted to the province.

Towards Catastrophe

The results of the elections apparently dumbfounded the regime. Mujib's victory was no doubt anticipated but the complete rout of the other parties in the eastern province came as a total surprise. In West Pakistan the rightist and the traditional parties fared miserably while the success of Bhutto exceeded even his own expectations. The outcome, to say the least, was perplexing in the extreme for Yahya's regime. It was the beginning of a fatal crisis.

1. More than one million people are reported to have died and the property damage was almost total in the affected areas.

As there was no provision in the Legal Framework Order for a special majority or a consensus between the provinces, the Awami League by itself could now legally frame a Constitution. Yahya could withhold assent if the Constitution offended against the conditions laid down in the Legal Framework Order but that was a later question. Equally, the right of the Awami League to form the government could not be doubted. "In effect there could be only one legitimate government in Pakistan, the one formed by the Awami League.... When the Junta allocated the larger proportion of seats to East Pakistan they must have anticipated such a possibility. If they did not, they had only themselves to blame".[1]

With the suspicions of the Agartala conspiracy fresh in the minds of men, especially the army, the prospect of a constitution based on the Six Points stared the regime in the face. Ever since the Six Points were propounded by Mujib in March, 1966, they had been viewed in the West wing as a charter of separation. Even to neutral observers they made the distinction between autonomy and secession evanescent. If the problem of East Pakistan had eluded Ayub, his words at the time of transfer of authority must have been recalled by Yahya. "It is being said that the country be divided into two parts. The Centre should be rendered ineffective and a powerless institution. The Defence Services should be crippled and the political entity of West Pakistan be done away with. It is impossible for one to preside over the destruction of our country".

Yahya Khan seems to have naively regarded the Six Points as negotiable, much like the familiar election slogans and had done little to stop or dilute its propagation.[2] During the months of the election campaign the movement for regional autonomy, however, became one of virtual secession.[3] A hypnotic hold over the masses

1. See Lawrence Ziring, *Militarism in Pakistan; The Yahya Khan Interregnum: Pakistan in Transition*, Ed. W. Howard Wriggins. University of Islamabad Press 1975, p. 219.

2. Yahya is reported to have been informally assured by Mujib that he would modify the Six Points after the election. Mujib was also financed by a Pakistani Industrialist with the knowledge of Yahya Khan.

3. See M. Rashid-uz-Zaman, *The Awami League in the Political Development of Pakistan*. *Asian Survey* (July, 1970) p. 586.

seemed to generate in Mujib's mind a belief in his own destiny[1] and with the electoral triumph now came a defiance which could question Yahya "whose representative are you?"[2] The elections had indeed undermined the moral basis of Yahya's authority. Mujib's total victory seemed to seal the doors of compromise. He did not have to yield. The prize lay in the bag and the hardliners in his party were strident and bent on realising their demands to the full.

Confronted with this situation Yahya Khan came closer to Zulfikar Ali Bhutto.[3] Probably no one understood more clearly than Bhutto the political situation which faced the country or saw with greater insight the collision that was latent in the position assumed by the Awami League and that taken up by the Generals who were obviously committed to preserve the unity of the country and opposed to a compromise over their own position in any future political set-up. By pitting himself against the Awami League and by insisting on a constitutional settlement prior to the session of the National Assembly, Bhutto in effect forced the events in the direction of the conflict on which they appear to have inexorably set.

If the Six Points in their full rigour pointed towards the separation of East Pakistan, Bhutto's own attention seems to have been

1. In 1972, in a telivised interview with David Frost Mujib stated that he had formed the ambition to create an independent Bangla state soon after partition. We have, however, only Mujib's own word for the disclosure. It is not unlikely that he might have made the statement in order to strengthen his image as the father of Bangladesh.

2. *Dawn*, February 4, 1970 while protesting against Yahya's failure to inform him about the hijacking incident at Lahore. On 31 January an Indian plane *Ganga* which had taken off from Srinagar en route to Delhi was made to land at Lahore by certain hijackers who claimed to belong to the Kashmir Liberation League. As a result of this incidence, which assumed great significance during the war with India in December 1971, the Indian government stopped overland flights of Pakistan, civil and military aircraft to East Pakistan. During a subsequent judicial inquiry the hijackers were found to belong to the Indian Intelligence. They were sentenced to various terms of imprisonment. Their appeals before the Supreme Court were pending at the time of writing.

3. In contrast with the mistrust which existed between the Awami League leadership and the Yahya regime, Bhutto enjoyed a position of confidence and could claim personal relations with some of the members of the military high command such as General Gul Hasan, Chief of Staff, General Peerzada, Air Marshal Rahim and Yahya Khan himself. G. W. Choudhury writes that General Peerzada had come over decisively on Bhutto's side after the latter's electoral victory in West Pakistan. See G. W. Choudhury. *The Last Days of United Pakistan. International Affairs*, London, April, 1973, p. 237.

confined to West Pakistan alone.[1] He did not put up any candidate in East Pakistan, nor did he visit that region during the election campaign. On the question of Six Points he had maintained silence. However, he now took a stand on this issue in a confrontation with Mujib.

The procedure prescribed by the Legal Framework Order was clear. The National Assembly should have met, framed a constitution and submitted it to the President (Yahya Khan) for authentication. The constitution was, however, required to conform to the principles laid down in the Legal Framework Order. In case of a violation, a situation of conflict could develop between the regime and the National Assembly. It became known that the Awami League was ready with a draft constitution based on the Six Points. As it enjoyed an absolute majority in the House a clash between the Awami League and the regime, therefore, could have occurred. However, the shape which the constitution would have actually taken and the limit to which the Awami League was bent on pressing its demands must for ever remain a matter for speculation. A possibility, however remote, did exist of a compromise under persuasion of the members from the West wing in the shadow of a civil war. It is possible that Mujib might have shrunk from going to the extreme after weighing the possibilities and once the reality of power had been assured to him.[2] At this hour, however, a discovery of Mujib's intentions was not what mattered but the preservation of the country's unity somehow. A duty which seemed to lay on the politicians from the West wing in the perilous situation was to bend their ingenuity just to achieve this, leaving it then to time and wiser counsels in due course to bring about a saner political climate. These possibilities were however not tried.

After his electoral triumph, Bhutto defied Mujib to frame a constitution without his consent. "By taking a stand on the Six Points, he posed as the greater nationalist" as Wayne Wilcox has remarked, "in much the same way as he had done with Ayub Khan". There were three parties in the country, he declared: the army, the Awami League and the Pakistan Peoples Party. The strength of

1. It is not unlikely that Bhutto had considered the East Pakistan issue as beyond the reach of the Yahya regime.

2. There is no evidence to suggest physical preparedness of the Awami League for a civil war.

the Awami League, however, could come into action only if the National Assembly session was called to which the regime held the key. "By threatening to boycott the Assembly" as Robert Jackson points out, Bhutto "could make it unworkable unless the President was simply able to disregard him". The tactical advantage, therefore, lay with Bhutto.[1] His power lay outside and not inside the Assembly.

If inside the Assembly Bhutto would have lacked strength he also evidently felt the need to guard against the possibility of a compromise between the Awami League and the Yahya regime outside the Assembly. In that event he would have been bypassed. There was a hint of such a possibility when Yahya, soon after the election, called Mujib as the future Prime Minister. Bhutto's actions, therefore, seemed equally calculated to eliminate such a possibility.

Within the regime opinion seems to have been divided in the beginning. It is possible that Yahya at first was not unhopeful of a settlement. The success of the Awami League with its Six Points had, however, alarmed an influential section of the army high command.[2] By utilising the personal influence Bhutto was successful in making opinion in the army high command move in the direction of a resolute stand against the Awami League which had now inflexibly committed itself to the Six Points. The apprehensions of the Generals were united with Bhutto's strategy of confrontation with Mujib, leading irresistibly to a clash between the Awami League and the regime.[3] "Like figures in a Greek tragedy, each of these two popular Pakistan leaders refused to let the other cross the threshold beyond which lay power for both of them; they would yield to necessity but not to each other.[4]

1. See Robert Jackson, *South Asian Crisis*, Chatto and Windus, London 1975, p. 27.

2. Mujib did nothing to assuage such fears. In the light of his mistrust of the army, such an attempt, in his view, might have seemed futile.

3. According to late Professor Wayne Wilcox, "Bhutto was more prepared to see a Pakistan without East Bengal than one which aligned the Awami League with the Army and Yahya. He, therefore, began alerting his followers of a "sell-out" to Awami League. This alarm rung in the capitals of West Pakistan and in the army as well and left Yahya in a highly exposed position." Wayne A. Wilcox, *Political Role of the Army in Pakistan. South Asian Studies* (Jaipur) Vol. 7 No. 1, January, 1972, p. 43.

4. Henry Kissinger, *White House Years* 1979, Little Brown and Company Boston, Toronto, p. 851.

Having thus fortified his position, Bhutto threatened to boycott the National Assembly session scheduled to be held on March 3, 1971 and prevented his party members from reaching Dacca. He called the Assembly "a slaughter house" and those who attended it as "double hostages".[1] He repeated his demand for a settlement outside the Assembly. Consultations between Bhutto and Yahya were reported. On February 28, Bhutto demanded the postponement of the Session in a public meeting addressed by him at Lahore. It was responded to by Yahya on March 1, by a unilateral announcement of the postponement of the Assembly Session sine die.[2] It sent the province of East Pakistan into a conflagration.

If this announcement made without consultation with Mujib, was in plain breach of trust, it also confirmed East Pakistan's apprehensions about Yahya's alleged complicity with Bhutto. The possibility of Yahya Khan regaining the confidence of East Pakistan disappeared in the rapid movement of events which followed.

Strike and violence in East Pakistan provoked by the postponement of the Assembly session led to shooting. The strength of the protest forced Yahya to promptly announce a fresh date for the session which he fixed as March 25. But Mujib would have no parleys with Bhutto "whose machinations are responsible," he said, "for the death of innocent and unarmed peasants, workers and students". Mujib now placed four demands before agreeing to attend the session. The last of these related to an immediate transfer of authority to the National Assembly to which Bhutto's reply was that it should be simultaneously transferred to two assemblies, one comprising members from the West wing and the other representing the East wing. This demand seemed to be an echo of his stand which he expressed earlier in the terms "*tum uther ham ither*" (you there, we here). The negotiations, involving elaborate formulae and legal niceties, were held between Yahya

1. *Dawn*, February 16.

2. Yahya Khan stated in 1979 that he had done so at Bhutto's prompting who according to him had also been insisting on army action in East Pakistan. See Yahya Khan's interview reported in the monthly *Urdu Digest*, Lahore, January, 1979. This belated statement is a strange admission. It may, however, be only an attempt to shift blame for an action for which the chief responsibility must remain that of Yahya's alone.

(who was assisted by a team of experts) and the Awami League leadership. But unreality attended these meetings, conducted as they were against the background of the army build-up in East Pakistan which was known to the Awami League.

Bhutto had been summoned to join the negotiations but his intervention did not help resolve the deadlock. On 25 March Yahya Khan left Dacca unannounced. On the night between 25 and 26 March Mujib was arrested from his residence in Dhan Mandi at Dacca and was flown out to West Pakistan. The army action had begun. Bhutto left Dacca amid smoke rising from many parts of the city where resistance or suspected opposition was being stamped out.

The Army Action and the Deepening Crisis

Although the Awami League does not seem to have made any physical preparation for an armed revolt, the army met with resistance from the Bengali members of the East Pakistan Rifles (EPR), the police and para-military organizations and even from the civilians, which it took longer to overcome than had probably been anticipated. The province had poor means of communications and its terrain, intersected by large rivers, marshes and streams, though suitable perhaps for a guerrilla warfare, impeded the movement of the army. It was only after a few weeks, around the middle of April, that the province was reduced into submission and the forces came within reach of the objective which Yahya Khan had set before them in his broadcast of 26 March "to fully restore the authority of the government".

But the control thus gained rested on unstable foundations. Moderate opinion had been driven out and the bulk of the population which exceeded 70 million had been alienated, almost irrevocably. Hatred ruled. The brutal assault bred reaction and the resistance offered by the people kindled fires of nationalism. In the emotional frenzy which took possession of the people many thousand persons belonging to the minority communities originating from Bihar and now settled in East Pakistan and those belonging to West Pakistan were slaughtered. Countermeasures brutalised the soldiers. During the action by the army a few thousand persons belonging to the East Pakistan Rifles, the police and other semi-military organisa-

tions fled across the border into India to grow, with Indian support, and training into the future *Mukti Bahini* (Liberation Army) of Bangladesh. A section of the Awami League leadership, led by Tajuddin Ahmad, also took refuge in India where it set up, with Indian blessings but without official recognition, the provisional government of Bangladesh.[1]

The army, although its strength had been increased, barely exceeded 40,000 at that time, amidst a vast hostile population. Yet the province could not hope to successfully defy its authority. A long period of unrest, mounting trouble, sabotage and chaos loomed on the horizon. There were limits to what the soldiers could achieve and it seems that the regime counted on a political arrangement with the moderate sections of the Awami League and with those members of the rightist or orthodox parties whose faith in the unity of the country had remained unshaken by the political storms and the army assault. The success of such a plan depended on several factors; especially non-interference by India. The regime, therefore, acted swiftly to establish firm control over the province before attempting a political solution. On the international plane, it bent its energies to impress the fact that what was happening was an internal affair of Pakistan and a matter purely of her domestic jurisdiction. Although the crisis in East Pakistan was primarily of the regime's own making, Indian sympathies for the separatist movement which soon found an open expression were known and its intervention was feared.

The regime must have felt sufficiently re-assured by the success of the army operation to have rebuffed the Soviet President

1. In view of the controversy surrounding the events which darkened Pakistan's life during 1971 it is difficult to give an account without being accused of partisanship. Many books have appeared on the subject. The Bangladesh version is found in the Bangladesh Documents and such Books as *The Rape of Bangladesh* by A. Mascrenhas and *Pakistan Crisis* by David Loshak. Pakistan's view-point is represented in the *Government White Paper* and the *East Pakistan Tragedy* by Professor Rushbrook Williams. Bhutto has given his version in *The Great Tragedy*. A more detached view is given by Robert Jackson in his *South Asian Crisis*. In an interview, published by *Urdu Digest*, Yahya has endorsed the conclusions drawn by G. W. Choudhury in his *The Last Days of United Pakistan*, although he has disagreed with some of the details.

Podgorny's appeal addressed to Yahya Khan in his letter of 3 April.[1] It also set its face against the presence of U. N. relief work in the troubled province which was prompted by the U. S. The U. S. A. was anxious to see that no development took place in the subcontinent which might prejudice the impending Sino-US rapprochement and President Nixon's visit to Moscow scheduled to take place in 1972.

The crisis in East Pakistan caused extraordinary excitement in India which, however, was understandable when seen against the background of hostility which went back to centuries and the conflict in which Pakistan was born. Mrs. Gandhi had been returned to office after the general election which had concluded shortly before the army action had begun in East Pakistan. Fortified by the renewal of mandate she felt able to respond more confidently to the passions of Indian public opinion which demanded the permanent weakening of Pakistan by the 'liberation' of East Pakistan by the force of arms. The position taken up by the Indian government was summed up in the resolution moved by Mrs. Indira Gandhi and unanimously adopted by the Indian Parliament on 31st March 1971. The resolution accused the Pakistan government of committing genocide. It stated as the cause of 'macabre tragedy' the refusal by the government of Pakistan 'to transfer power to the legally elected representatives of the people of East Bengal'. The resolution concluded with the key passage; "This House records its profound conviction that the historic upsurge of the 75 million people of East Bengal will triumph. The House wishes to assure them that their struggle and sacrifices will receive the whole-hearted sympathy and support of the people of India".[2]

The policy of armed intervention leading up to war was implicit in the resolution of the Indian Parliament and it seems that plans for the same had been taken in hand soon after the crisis broke out in East Pakistan. "After 25 March", as Jackson has pointed out, "the deliberate choices of the Indian government became the decisive factor in the situation"[3] The training and the arming of guerrilla's

1. Curiously this letter was published in the official Russian daily *Pravada* a departure from the normal diplomatic practice. The text of Yahya's reply is reprinted in *Pakistan Horizon*, XXIV, No. 2, pp. 150-1.

2. The text of the Resolution is reproduced in Robert Jackson's *South Asian Crisis*, Chatto and Windus, London, 1975, Appendix 3, p. 171.

3. *Ibid.*, p. 149.

with the object of their incursion into East Pakistan had begun. Indian efforts were, however, initially aimed at securing international intervention by the mobilisation of opinion to prevent the alleged violation of human rights and to safeguard peace in the subcontinent.

After the temporary diplomatic withdrawal by the Soviet Union following Yahya Khan's curt response to Podgorny's appeal of 3 April, Russia had returned to a more cordial attitude. China had come out with a firm guarantee to safeguard the 'sovereignty and state independence' of Pakistan.[1] Generally, by the end of June, Pakistan could be said to enjoy international support to her contention that the East Pakistan crisis was a question mainly of her domestic jurisdiction. India, despite the growing bitterness of her relations with Pakistan, had shrunk from armed intervention, though she had started to help the formation, training and the arming of guerrilla forces.

Yahya may have been encouraged to pursue the line of firm action by the apparent success of the first few weeks of the army action. But hopes of seeing the province settling down to peaceable conditions and of an eventual political settlement received a set-back by a new development which began towards the end of April in the wake of the army action. Refugees began to arrive in India. The number of people leaving East Pakistan began to swell each day. In part it was due to the general fear generated by the army action which did not seem to confine its operation to real or potential pockets of resistance. This unforeseen development of refugee outflow put a new complexion on the crisis. The opportunity was promptly seized by Mrs. Gandhi to declare that "what was claimed to be an internal problem of Pakistan had also become an internal problem of India" and to insist on the return of the refugees and on "credible guarantees" for their safety. But the guarantees were not defined. In mid-June Mrs. Gandhi declared that no solution that meant "the death of Bangladesh" would be acceptable. In other words, the price of settlement was the separation of East Pakistan.

1. Despite Pakistan's persistent efforts to seek an enlargement of Chinese commitment so as to include territorial integrity and unity of Pakistan, the Chinese till the end adhered to the formula of "sovereignty and state independence".

The number of refugees reaching India was put as 14,80,000 on 6 May by the Indian government. This figure was disputed by Pakistan. But it is immaterial to know the exact number which increased manifold during the months that followed. There was a dramatic growth of sympathy for India and for the plight of the refugees in the outside world notably in the West. The implications of the changed situation were not lost on the regime of Yahya Khan, which now leaned towards international cooperation. It accepted U. N. relief presence in East Pakistan with hopes of finding it as a means of check against intervention by India. This diplomatic shift was combined with efforts to persuade the refugees to return. A political approach was adopted under U. S. pressure. It was announced that bye-elections would be held to fill the vacant seats of the National Assembly. A new constitution, it was declared, would be promulgated by the President himself.

These efforts at conciliation did not meet with success as might have been anticipated. It was now Pakistan's turn to seek international intervention and for India to oppose it. Thus the proposal of the posting of U. N. observers which was instantly accepted by Pakistan was promptly rejected by India.

The Indo-Soviet Treaty and the Drift Towards War

The situation faced by the Pakistan army was difficult. A long drawn-out struggle lay ahead and uncertainty hung over its final outcome. Nevertheless, the Awami League or the forces which it had been able to organise with Indian assistance could not hope to overcome or destroy the power of the army. Although some kind of a solution was considered as likely to emerge in the long run, it was difficult to predict that it would have necessarily resulted in the separation or independence of East Pakistan.

India had by now become deeply committed to the cause of Bangladesh in consequence of her deliberate policy,[1] public declara-

1. India had opposed the creation of Pakistan. After it had come into existence it was hoped that it would soon collapse and she acted to hasten its end. However, as Pakistan stabilised, it was considered expedient to reconcile with her continued existence. The inegrity of Pakistan was seen as a check against the fissiparous

(*Contd. on page* 115)

tions and under pressure from Indian public opinion, although it had still not officially recognised the provisional government of Bangladesh. This objective could not, however, be achieved without employing directly the Indian armed might, a possibility contemplated in the Indian Parliament's Resolution of 31 March. The refugee problem, its unsettling effect in West Bengal, the fear of losing face in view of the position she had assumed, goaded India in the direction of forcing the separation of East Pakistan by the use of arms. In the event of military invasion, however, the chances of Pakistan being able to invoke United Nations intervention to shield her sovereignty could not be ruled out. There was already mounting pressure on India to accept the Secretary General's proposal of posting U. N. observers in East Pakistan. India, therefore, needed support at the U. N. to prevent Pakistan from invoking U. N. assistance with U. S. support. From this need was born the Indo-Soviet Treaty of Peace Friendship and Cooperation signed on 9 August, 1971.

Robert Jackson has argued that the Soviet Union, on its side, had felt impelled to lean towards India as a direct result of the Sino-US rapprochement which led to a "global restructuring of power politics". With the prospects of American and Chinese interests getting deeply entrenched in Pakistan, the Soviet Union abandoned

(*Contd. from page* 114)

tendencies in India, particularly after the Sino-Indian conflict of 1962, which meant carrying on a conflict at two fronts. This appears to have been the policy in the closing phase of the Nehru era. After Nehru's death, Indian policy in relation to Pakistan was subjected to a reappraisal, especially in view of Pakistan's growing ties with China and in the aftermath of Indo-Pakistan War of 1965. It was now considered, indeed advocated by some of India's influential voices, to permanently weaken Pakistan and thereby remove the potential threat to India's security within the subcontinent. Encouragement of East Pakistan separatist tendencies began with renewed vigour. During the Indo-Pakistan War of 1965, India drew a sharp distinction between the two Wings. While East Pakistan felt defenceless during the hostilities, Indian forebearance calmed the traditional fears of Muslim Bengal against Indian expansionism. There is little doubt that the movement for regional autonomy, though it was primarily a product of domestic failure, became the object of increasing interest and encouragement by India. The regime of Yahya Khan now provided the opportunity which India was looking for to dismember Pakistan in order to establish Indian predominance over the subcontinent.

the policy of treating India and Pakistan on more or less an equal footing which she had been pursuing ever since her mediation between the two countries at Tashkent following the Indo-Pakistan War of September 1965.[1] We are, however, informed by Henry Kissinger that the Soviet Union had approved of guerrilla operations in East Pakistan and had promised India protection against Chinese attack well *before* the US initiative on China, in pursuance of its strategy of demonstrating Chinese weakness and of humiliating a friend of both China and the US and to prove the futility of reliance on either of them.[2]

The signing of the Treaty transformed the situation. India could now count on Soviet support at the U. N. to frustrate any attempt by Pakistan to seek its intervention. The effect was felt immediately. On 20 August the Soviet Union informed the Secretary General that it was opposed to the holding of a Security Council meeting to discuss the East Pakistan problem.[3] The Treaty therefore, placed an entirely new aspect on the policy of Yahya Khan to secure U. N. presence in the troubled province which he had been pursuing with vigour ever since the exodus of refugees had impressed upon him the danger of war. It did not require a very great observer of international affairs to see that henceforward the regime's hopes of obtaining U. N. presence in East Pakistan and consequently a shield under its auspices for her unity and independence were illusory. Curiously, Yahya Khan kept on pursuing the same line of action, probably hoping that once an explosive situation was reached super powers would intervene to prevent the subcontinent from being engulfed in a catastrophe.

The Soviet Union did not entirely give up its original aim of finding a peaceable solution to the crisis in East Pakistan in view of her larger considerations of global strategy and more immediately due to the value it placed on President Nixon's visit to Moscow planned for the next year. A joint effort was made by U. S. A. and the Soviet

1. See Robert Jackson, *South Asian Crisis*, Chatto and Windus, London 1975, pp. 71, 153, 159.

2. See Henry Kissinger, *White House Years*, Little Brown Company, Boston, 1979, p. 860.

3. *The Statesman*, 20 August, 1971.

Union to find a peaceable solution to the crisis. Under Soviet pressure India appeared for a while to accept, at least on the face of it, a solution short of the independence of Bangladesh. However, these joint efforts proved unsuccessful.

The real problem lay in the gap which existed in the positions taken up by the two governments. A settlement insisted upon by India contained as its essential conditions, negotiations with Mujib and the elected representatives of the Awami League, a majority of whom had now established themselves in India since the outbreak of the crisis and were wholly committed to the cause of independent Bangladesh. To the Yahya Khan regime such a settlement implied complete surrender and the grant of the right of secession. The gap remained unbridgeable.

Meanwhile, the activities of the Mukti Bahini with increasing Indian support became menacing with the launching of the guerrilla offensive after the Monsoon. The massing of troops along the border by the Indian army created a situation of acute tension. Border skirmishes and open clashes followed, including armed intrusion into the territory of East Pakistan leading to mounting pressure on Pakistan which retaliated as a desperate act of honour with an offensive attack from the West wing on 3 December. India now unleashed its full offensive against the East wing.

An account of the war is outside the scope of this study. In organisation and number, striking power and strategic advantage, the Indian forces enjoyed a position of overwhelming superiority. The Pakistan army besides carried the setback of a population turned hostile and the physical separation of the province from the West wing. The war lasted 14 days. During the first week the U.N. was the main scene of excitement. But by the end of the week it had become clear that Pakistan had failed to bring United Nations to its aid.

In the closing phase there was a renewed diplomatic move made by the U. S. A. whereby Henry Kissinger had informed the Indian government of Pakistan's willingness to discuss a precise time table for the grant of provincial autonomy to East Pakistan, which presumably meant independence. In mid-November a secret five point peace plan is reported to have been given by Yahya Khan to the Indian Ambassador. The plan included the release of Mujib, the holding

of a referendum on the issue of independence of East Pakistan, the formation of an all-party government as an interim measure, and arrangement for the return of refugees from India under U. N. supervision.[1] According to Choudhury there could not have been a more constructive and liberal offer. But it virtually accepted the independence of Bangladesh. The so-called peace plan was rejected by Mrs. Indira Gandhi on the ground that the elections of 1970 were already in the nature of a referendum. It is pointless to argue that the elections of 1970 were held within the framework of Pakistan and that the separation of East Pakistan was never and could not have been an issue in the election. But all these efforts were destined to prove fruitless. India had been working on her designs in East Pakistan for a long time. She had gone far too far in her commitment to forcibly separate the eastern Wing in a bid to permanently weaken Pakistan. This objective now lay within her reach and she was not going to abandon it."

"Mrs. Gandhi," Henry Kissinger has observed, "was not motivated primarily by conditions in East Pakistan; many solutions to its inevitable autonomy existed, several suggested by us. Rather, encouraged by the isolation of Pakistan, the diplomatic and military support of the Soviet Union, the domestic strains in China, and the divisions in the United States, the Indian Prime Minister decided in the spring or summer of 1971 to use the opportunity to settle accounts with Pakistan once and for all and assert India's preeminence on the subcontinent. Her delay until November was to allow military training and preparations to be completed and to wait until winter snows in the Himalayas complicated Chinese access. After that decision, every concession by Pakistan was used as a starting point for a new demand escalating the requirements and shortening the time span for a response to the point that showdown was inevitable."[2]

Mismanagement and folly on the part of successive governments in Pakistan, crowned by the Yahya Khan regime, which throughout the crisis failed to put forward a comprehensive stand which could be convincing on the international plane, had now provided the

1. See G. W. Choudhury, *The Last Days of United Pakistan*, C. Hurst & Co., London 1974, pp. 198-99.

2. Henry Kissinger, *White House Years* op. cit., p. 914.

opportunity which India had been looking for. The task which the Indian government set before its army was to capture control of East Pakistan in the shortest possible time. The debate in the U. N., therefore, took place against the background of the Indian army racing towards Dacca.

Yahya had reconstituted a civilian cabinet, naming Nur-ul-Amin of East Pakistan as the nominal Prime Minister. The crucial appointment was that of Zulfikar Ali Bhutto as the Deputy Prime Minister and Foreign Minister. He arrived at the U. N. on 6 December. His role does not appear to have been fruitful. There was a theatrical act of tearing off his notes and storming out of the Security Council debate on 15 December. His declaration to fight for a thousand years produced a sardonic echo of September 1965. From the beginning, however, the chances of securing a settlement through the U. N. were bleak. However the Soviet Resolution of December 10 held out the possibility of Pakistan's avoiding a total surrender of her forces in East Pakistan as the Russians were later able to say. These possibilities were, however, never utilised although the military authorities at Dacca, perhaps more aware of realities than the Generals at Islamabad, sought the regime's agreement to a ceasefire in terms of the resolution. But Yahya's respones was in the negative. The Eastern Command was assured that American support would be forthcoming. All appeared uncertain and unreality and confusions attended the actions of the regime during the last fateful days, even hours. There was greater unreality at the U. N. The day Bhutto walked out of the debate, the Indian armies were closing in on Dacca which fell on the next day, December 16, 1971. The Eastern Command surrendered ninety thousand persons including more than twenty thousand civilians, women and children were taken as prisoners of war.

In the last act of this brutal drama the centre of attention shifted towards India's reported plans to attack West Pakistan immediately after the fall of Dacca, to capture Azad Kashmir, give 'autonomy' to Baluchistan and the Frontier Province and destroy the military capabilites of West Pakistan, in short to destroy Pakistan. To forestall this ghastly possibility the US government, despite the warm sympathies of the State Department for India, ordered the movement into the Bay of Bengal of the US Naval

tark force *Enterprise* and Nixon had a talk with Brezhnev on the hot line to preserve the integrity of Pakistan.

Before returning to Pakistan, Bhutto had a meeting with President Nixon. In the pervading gloom Yahya was forced to step down by the Generals, chief among them were Generals Gul Hassan and Peerzada and Air Marshal Rahim Khan, and went into oblivion. Bhutto became President and the first civilian Chief Martial Law Administrator.[1]

1. The Constitution of 1962 already stood abrogated.

CHAPTER V

The Return of the Politicians Zulfikar Ali Bhutto

1971-77

THE rise of Zulfikar Ali Bhutto to the position of the highest authority in the land marked the climax to an extraordinary political career that began in October 1958 when, at the age of 30, he had first entered the cabinet formed by President Iskander Mirza after the constitution of 1956 had been abrogated and martial law imposed in the country. Although Iskander Mirza was replaced shortly afterwards by General Mohammad Ayub Khan, Bhutto was retained as a minister in the latter's cabinet. He continued to serve in that position, becoming in due course Ayub's most influential and best-known minister. As Foreign Minister, Bhutto's name was linked with a policy of close association with China and of confrontation with India. Westernised, well-educated, young but brilliant he made an impression at home and abroad.

The developments following the Indo-Pakistan war of September 1965 had led to Bhutto's exit from Ayub's cabinet.[1] He had, however, by then earned reputation as a young nationalist with a flair of appeal for the youth. His image as a champion of the rights and sovereignty of the country was greatly enhanced by his presen-

1. See page 85 *ante*.

tation of Pakistan's case in the Security Council during the September war. He was apparently a dejected man when he travelled down from Islamabad to Karachi by train, an ordinary citizen after eight years of high office. At a number of train-stops, however, the people gathered to give him a spontaneous applause, an unusual sight indeed for a politician who was no longer in office. In this manifestation of popular sentiment his keen eye must have observed Ayub's loss of popular support, the spectacle of his own personal appeal and the possibility of a great political opportunity. But his time was not yet ripe. The period from about the middle of 1966 until 1970 he spent in building up his political position. He set himself in opposition to Ayub with courage. He was imprisoned and harassed. But these acts which failed to deter him only made the people sympathetic towards him, though they probably left a scar on his personality. By the fall of 1967 he had formed a party of his own, called the Peoples Party.[1] Towards the end of 1968, he had emerged as the formidable opponent and rival of his former patron, who was then in decline and failing health.

The year 1970 was crucial. By then Ayub had fallen from office in consequence of a mass political agitation, to which Bhutto himself had made a signal contribution. The military regime of General Yahya Khan had assumed power. In that year, as we saw, a general election was held in the country for the first time. Universal suffrage granted by the Yahya regime had with one stroke inducted several million voters amidst conditions of political unrest and mass social discontent. Bhutto who had now come forward with a promise of economic uplift received spontaneous support from the people in West Pakistan who were attracted by the appeal of the patrician born, charismatic new leader who projected himself as the passionate champion of the rights of the common man. He rode to triumph in West Pakistan during the general election of December 1970. Although he had now emerged as the elected leader in the west Wing, political office eluded him. The country, as earlier discussed, was engulfed in a deep political crisis, followed by the cataclysmic events of the secession of the eastern province and war. The defeat of the army during the India-Pakistan war of December,

1. Later called the Pakistan Peoples Party or the PPP.

1971 paved the way for his assumption of authority as Yahya Khan fell from office in complete disgrace. During the five and a half years of his tenure, from December 1971 until his removal from office in July 1977, he pursued a course of action to establish himself in a position of near absolute authority. No political leader before him wielded such formidable authority or dominated so completely the political scene of Pakistan.

The political creed of the party which he had formed and led was expressed in the by now familiar slogans: Islam is our religion; socialism is our economy; democracy is our politics. Through a grand synthesis he apparently sought to bring about a new dynamism in society based on religious faith, economic justice and popular rights. All power, it was asserted, belonged to the people. He called himself a man of the people and had named his party as the Peoples Party.

Although his critics have decried these slogans as designed merely to appeal to a broad spectrum of society, the bona fide of his convictions may not be doubted. However, the difference between the idealism which he preached and what was or could actually be achieved has led to contrasting opinions being held about his rule, depending on whether one looked at the former or at the latter. It is not unlikely that behind the haze of heated controversy the real man may disappear for ever. It is therefore the policies and actions actually pursued or taken which must be our guide in the appraisement of this period, on which posterity alone can pronounce the last word.

The circumstances which permitted Bhutto's rise to high authority, the factors that made possible the concentration of authority in the hands of a single individual, the changes which his policies brought into existence, the significance of his appeal and the legacy of his rule, are among the questions which shall be our main concern in the account which follows, rather than a discussion of the man, his dramatic fall and a tragic end.

First, we may take a brief glimpse at his life. Zulfikar Ali Bhutto came of one of the prominent landed families of Sind who have usually considered public or political life as their natural vocation. His father, Sir Shahnawaz Bhutto, had been an active politician. He was an advocate of the separation of Sind, a Muslim

majority region, from the Bombay Presidency and had in that connection participated in the Round Table Conference of 1931-32 in London. He was a minister in the Bombay Government and became the first Chief Adviser of Sind Government upon the separation of Sind from the Bombay Presidency as a result of the Government of India Act of 1935. Shortly before Independence, Sir Shahnawaz had taken up appointment as the Diwan of the Nawab of Junagadh, a princely state off the coast of Kathiawar. He was instrumental in securing, under the Quaid-i-Azam's directions, the accession of that State to Pakistan by its Muslim ruler. Jinnah had attached great importance to its accession to Pakistan in order to counteract, according to Hodson, a possible move by India to secure the accession of the State of Jammu & Kashmir to India by its Hindu ruler.[1] Junagadh had a predominantly Hindu population with a Muslim ruler. In Kashmir, it was the other way round. India could not have it both ways. On the other hand, if India demanded a plebiscite, the principle could be applied to Kashmir as well. Consequently, the Indian Congress reacted fiercely to the State's accession to Pakistan.[2]

Bhutto's early life was spent in Bombay where he received his early education. After graduation, he proceeded to the United States where he graduated with honours in political science from the University of California in 1950. In 1952, he took his Master's degree from Christ Church College at Oxford. In the following year, he was called to the Bar from Lincoln's Inn, London. He taught International Law for a while at the University of Southampton, England, and on his return to Pakistan got himself enrolled as an advocate in the Hight Court at Karachi. He taught constitutional law in the Sind Muslim College for about a year and was a member of the Pakistan delegation to the U. N. in 1957. He led the Pakistan delegation in February 1958 to the United Nations Conference on the Law of the Sea at Geneva. On the imposition of martial law on 7 October, 1958, he was taken as a minister in the cabinet formed by Iskander Mirza.

1. See H. V. Hodson, *The Great Divide*, Hutchinson, London 1969, p. 430.

2. Junagadh, alongwith the adjacent States of Mangrol and Manavador, was subsequently absorbed into the Indian Union through 'police action'.

The formative years of Bhutto's life were thus spent outside Sind. He returned to Pakistan as a western-educated adult, having breathed for some years in the free air of two of West's well-known liberal seats of learning, California and Oxford. It is, however, worthy of mention that he did not owe his sudden elevation to political office to a record of public service or to a career in a political party or indeed to an electoral process. He owed it simply to his personal relations with Iskander Mirza during the decaying political life of the country. It is significant that he had entered political career at a time when the parliamentary rule had been brought to a close and society failed to provide the customary means for advancement to an aspiring young politician. On the other hand, one must not suppose that liberal education in the West would have necessarily produced in him any deep commitment to democratic processes or liberal values.

Having joined the cabinet as Iskander Mirza's nominee, Bhutto was able to quickly move into Ayub's confidence. As a well-educated, personable and an articulate young man, Bhutto could not have failed to impress the General. Without the odium of any political party attached to his name, he must have appeared to Ayub as a very eligible person indeed to represent Sind in his cabinet. Bhutto could have hardly dreamed for more than being admitted, so early in life, to the inner circle of power. He had no political base from which to contemplate a challenge to Ayub's authority. If he did aspire for the highest office, "being much younger in years", as Feldman observed, "he could bide his time".

Bhutto had evidently felt no compunction in being part of an authoritarian rule which was at first supposed to work without the mechanism of political parties. At one stage he is reported to have urged the enrolment of senior bureaucrats, notably the members of the Civil Service of Pakistan, in the official party, the Convention Muslim League. Having been associated closely with Ayub's rule, Bhutto learnt the new lessons of practical politics of Pakistan. It is therefore no surprise to hear such a remark that he subsequently only perfected or expanded Ayub's instruments of control.

New Hopes

If Bhutto was thus a child of autocracy, he was nevertheless

swept to power on a popular wave. Although, as we had earlier seen, Bhutto had begun to gather a following during the period of the Indo-Pakistan War of 1965 and afterwards, his appeal had primarily rested on the projection of his personality as a nationalist. There was no economic or social policy to which he seems to have shown a commitment. It was only after he had left Ayub Khan and had formed a party of his own that he came forward with a programme of economic and social reform and laid down the guiding principles of policy: Islam, Socialism and Democracy. A promise of economic uplift was epitomized in the slogan of *Roti*, *Kapra* and *Makan* (lit: food, clothing and shelter). During the election campaign of 1970, Bhutto found the opportunity to develop a mass following in the provinces of Punjab and Sind, which led to his electoral victory in the two provinces and the emergence of the Pakistan Peoples Party as the major political force in West Pakistan as already noted in the preceding chapter.

A majority of the people of Pakistan, it may be observed, resided in the rural areas in countless villages and were mostly landless peasants, workers or tenants. They had lived for generations in conditions of extreme poverty and had endured the oppression of the landlords. Insignificance and inability to change the conditions of their lives had bred deep apathy and they lived as if they were the victims of nature's seemingly unchanging laws. Towards independence, the Muslim League was able to gain favour with these vast multitudes, stirred their imagination and planted a hope in their hearts in the name of Islam.

The long period since Independence had, however, driven them to disillusionment and despair. Meanwhile, social expectations had increased by the growth of education, urbanisation and awareness of the amenities of life; by a steady growth of political consciousness and the will to improve, not the least engendered by the system of Basic Democracies. To the peasantry was now added, with economic change, the new class of industrial labour. Oblivious of the times, the rapid growth of industry had ignored the legitimate claims of labour for adequate wages, security of employment and the provision of a minimum of social amenities. Discontent smouldered alongside the growth of big business. The emerging new class of capitalists and big business flaunted its newly gained wealth and

made the contrast between extreme poverty and affluence too sharp to be easily accepted amidst changing times.

By championing the cause of the poor and crying for the rights of the common people Bhutto responded both to economic need and the urge for political participation. He was thus able to kindle hope in countless hearts. His charismatic leadership filled the gap between the hard realities of life and the keen expectation of the people, while his histrionics and impassioned speeches which were full of promise, evoked boundless enthusiasm. He flashed across the political scene thundering against the exploiters. The response was tumultuous.

It was not, it may be observed, the poor and the under-privileged alone who were captivated by his appeal. In a way, Bhutto represented the western educated middle class, despite his feudalistic background. The personality, education and the style of the man as well as the essentially secularistic foundation of his party charmed and attracted the modernistic sections of society. There was, besides, a growing number of young educated people, qualified for a wide range of professions, but suffering from underprivilege or unable to find careers or avenues of employment. They were resentful of the inequitous economic system and of a social set-up which denied them a rightful place in society. They found in Bhutto's radical programme a new hope and attraction.

Although Bhutto's role in the East Pakistan crisis had not remained free from controversy, the trust placed in him by the people on his assumption of authority was almost total. It was a testimony to his popular hold over the people that the country, barely recovering from the trauma of defeat and the loss of its eastern half, appeared to many as on the threshold of an era of hope and change. He had the mandate to remould the destiny of the nation. History has given to statesmen few such opportunities.

Consolidation of Authority

On assumption of authority, Bhutto's actions appear to have been aimed at emphasising the radical change in circumstances and at consolidating his own position. Armed with the powers of the President and the Chief Martial Law Administrator, he made swift and resolute moves. Yahya Khan was placed under house arrest.

Sheikh Mujibur Rahman, then under detention in West Pakistan, was released, whereupon he reached Dacca via London and was proclaimed as the father of Bangladesh. A large number of senior army officers was removed in a rapid sweep culminating on 3 March 1972, in the dismissal of Lt. General Gul Hasan and Air Marshal Rahim Khan who were accused of showing "Bona Parte tendencies". These two men more than any one else had been responsible for forcing Yahya Khan to step down and to transfer power to Bhutto. Tikka Khan who had led the army action in East Pakistan was made the new Chief of the army.

The bureaucracy was cowed down in no time. Under a freshly promulgated Martial Law Regulation some 1,400 officers were removed from service without a formality of procedure or trial.[1]

The powers under Martial Law were used even to unseat a dissident member of his own party.[2] He reinforced his authority by the appointment of his nominees as governors in all the four provinces. As the Chief Martial Law Administrator Bhutto's powers were practically unchecked and the Emergency proclaimed by Yahya Khan was still in force, placing in his hands, under the Defence of Pakistan Rules, formidable powers over the life, person and property of a citizen. Economic measures, presently to be discussed, subdued or removed resistance from independent interests.

Reform and Change

The conditions in the country after the war were hardly suitable for undertaking a reordering of its economic and social life. The first need was to repair the damage, restore the country's economy and bring life back to normalcy. However, moved perhaps by his impulse for reform, by the commitments made to the people to which he apparently felt bound, Bhutto probably considered the moment as opportune to introduce far-reaching changes in the economic system, administration and social life before resistance to change could organise itself.

1. About 300 officers were later taken back. Many more were reinstated by the government of General Zia-ul-Haq.

2. Mr. Mukhtar Rana.

The measures taken to introduce these changes, which we shall describe presently, also derived their compulsion, at least in part, from the legacy of Ayub Khan's rule and the conditions in which the PPP had risen to popularity. The economic growth during the Ayub Khan Era, which must remain its most notable achievement, it may be recalled, had led to a great social imbalance due to the uneven distribution of benefits. There was concentration of wealth and of power which flowed with it into a few hands. The bureaucracy had aligned itself with the new group of industrial and commercial barons. There was social discontent and hatred of the upper class. These socio-economic developments had provided the driving force behind the movement in which the authority of Ayub Khan had melted away. Against this background had emerged the Peoples Party, committed to bring into existence a new economic order.

The manifesto of the Peoples Party had contained a programme of the nationalisation of key industries. Within two weeks of Bhutto's taking up authority, the management of some thirty large firms or companies, which had reportedly controlled about sixty per cent of the wealth of the country, was taken over under the Economic Reform Order issued on 3 January 1972.[1] The object, as the Order expressed it, was "to ensure that the wealth and economic resources are exploited to the maximum advantage of the common man and not as hitherto confined to the privileged few". Nationalisation of insurance and banking followed. Trading Corporations were set up with a monopoly over the import and export of vital commodities. It is not proposed to consider at this stage to what extent the noble objective set forth in the Order was realised in practice. It must, however, be observed that as a result of large-scale nationalisation, the country's economy was radically modified, causing a decisive shift in favour of the public sector and governmental control over industry and financing institutions. Private business and industry were allowed to continue outside the nationalised sectors and they might also flourish, but their scope had become limited and dependence

1. The taken-over industrial units, about 70 in number, were placed under 11 Corporations controlled by a Board of Industrial Management under a newly created Ministry of Production.

on the government had become much more acute. Politically, the consequences were revolutionary. The power of the capitalists or big business which had figured so prominently during the Ayub-Yahya periods was with one stroke virtually obliterated. Their position was further weakened by the abolition of managing agencies and by placing a ban on companies to enter into such contracts in future as a check against the growth of monopolies and cartels.[1] In less than a month a new economic order had come into existence. It was clear that unless public control in a real sense was established over the vast new public sector, the ruling party had at its command vast resources and consequent control over bread and jobs which it could use over-whelmingly to its own advantage, as a powerful aid to authority and as the means to create and sustain allegiances.

In the field of land reforms, the new government, however, proceeded with caution. There was no misappropriation and re-allocation of the promised 12 acres of land to each landless peasant. Ownership of most of the larger land-holdings had already been subdivided by the landlords, probably in anticipation of reforms. Besides, the limit placed on land-holding was high, yielding negligible area for distribution to the landless. But the prospect of a more rigorous limit on ownership were not closed. More important, the tenants were secured in their position. There was a sense of self-respect, even defiance, among the hitherto lowly, but vast population of peasants, tenants and farm workers who identified themselves with the new government. For the first time, a government was avowedly aligned with their interests, indeed brought into existence by their votes. A similar feeling existed among the industrial workers. Nationalisation made clear on which side the government had placed itself. The worker was made secure in his employment, in fact made virtually irremovable by his employer. Trade unionism was organised and strengthened generating a feeling of class solidarity. A number of measures were taken to improve the general well-being of labour through schemes of social security and the like, while increase in wages and benefits, also extended to the low-paid government employees, brought immediate relief.

The administrative reforms carried out in 1972 seemed to reflect

1. The Companies (Managing Agency and Election of Directors) Order, 1972.

the new egalitarian spirit. All the civil service cadres into which the civil service had traditionally been divided were abolished. The bureaucracy was reconstituted into a single civil service divided into twenty-two grades. The scheme professed to do away with the colonial structure of administration, notably by its abolition of the Civil Service of Pakistan (C.S.P.), the elitist cadre, successor to the I.C.S. As a result of the amalgamation of various civil service cadres, there were large-scale promotions and a number of officers moved into positions which had hitherto remained outside their reach. Opportunity, it was claimed, had been provided for talent wherever it was to rise to the highest position in the service of the country.

As the bureaucracy became a key factor in Bhutto's system of governance, it seems worthwhile to linger for a moment on this subject. It may be observed that the basic postulates of the system of administration which had been inherited were never seriously doubted. The principle of recruiting young people with presumptive academic attainments and training them for higher responsibility underlies all advanced systems of administration, and is also adopted by the private sector. Similarly, merit as the basis of recruitment through a competitive examination and of promotion, is an accepted norm for an efficient system of public service. The bureaucracy, as inherited, was constituted on these principles. It was also noted for its standards of competence and integrity. The real problem with the inherited administrative system, however, was that it carried the traditions and outlook of an authoritarian rule as discussed in an earlier chapter. This problem could be met in the main by the establishment of a democratic political system at the top and by the development of representative institutions below, for example in the form of an effective local-government. As we saw, neither of these happened. A second problem concerned the powers of the bureaucracy which had increased with the assumption of increased responsibilities by the state owing to economic progress and social policy. The system of Basic Democracies only high-lighted rather than reduced the pervasiveness of bureaucratic power. Thirdly, the standard of impartiality and integrity had suffered corrosion. The civil service had accordingly lost much of its respect. Fourthly, the classification of cadres, with its connotation of social symbols, ran counter to the rising tide of democratic values, the claims of

expanding new professions which demanded a rightful place in society and the need for horizontal movement of personnel in the best interests of the civil service as a whole. The new reforms did away with class stratification by the abolition of individual service cadres. But plans of the new edifice were not spelled out to show how it was proposed to meet the main problems.

By a swift succession of reforms or changes, major sectors of society were thus thrown into a melting pot. There was excitement and hope, bitterness and despair. All appeared uncertain for the time being. National life became malleable in the hands of the new political leader. The ultimate pattern was hidden from view, perhaps from Bhutto himself.

Foreign Relations

Bhutto had signalled his entry into high office by announcing a unilateral withdrawal of Pakistan from the Commonwealth in February 1972. The precise reasons for this action remain obscure. The Commonwealth had never stood in the way of close attachment with China, improved relations with the U.S.S.R. or the Arab World. Pakistan's membership might have been of help in the peace settlement with India which yet loomed on the horizon. Perhaps the true reason lay in Bhutto's desire to assert the country's sovereignty and independence and to demonstrate the fact that Pakistan belonged to Asia and the Third Woild.

Without attempting to discuss the foreign policy pursued during the period under review, two events deserve notice. The policy of developing close relationship with the Arab World was climaxed by the holding of an Islamic Summit Conference at Lahore in February 1974 which was chaired by Bhutto. The Conference which was attended by nearly all the Heads of Arab States was an event of great prestige. The presence of the Late Shah Faisal of the Kingdom of Saudi Arabia created a deep impression on the people of Pakistan. The occasion was apparently considered psychologically opportune by the government to accept the political reality of Bangladesh, the erstwhile province of East Pakistan. There was a natural reluctance among the people to accord formal approval to East Pakistan's act of secession in the process of which the nation had suffered bitterly. To prepare the ground the National Assembly

had earlier passes a resolution expressing its opinion in favour of the recognition of Bangladesh. The Islamic Summit provided a safe moment to formally do so. Mujib-ur-Rahman had been invited to the Summit and the new state was accorded formal recognition. "The partition of Pakistan had been consummated".

It would also seem that India had insisted on the recognition of Bangladesh by Pakistan as a condition precedent to a peace settlement. More than ninety thousand prisoners of war and a large area of Pakistan lay in the hands of India which appeared curiously exultant after blatant aggression. In June 1972 Bhutto travelled to India to negotiate a peace settlement as the head of a large team. Only at the last moment, so it seemed, was an agreement reached. An accord was signed at Simla on 2 July 1972. India agreed to return the prisoners of war and the Pakistan territory which was under its occupation. Pakistan returned important posts in Azad Kashmir. In agreeing to release the prisoners-of-war India had exacted its price. One of the key clauses of the Simla Agreement provided for the settlement of the Kashmir dispute "by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them". Thus, a unilateral reference to the United Nations by Pakistan, as a matter of inherent right, was ruled out. The Simla Agreement has since been extolled by Bhutto's supporters as the acme of diplomatic negotiation and denounced by his critics as a sell-out of Kashmir. There was talk of a secret clause, reminiscent of the Tashkent Declaration, and accusations of burying Kashmir along the new 'control' line.[1]

Relations with the Soviet Union were made cordial and ties with China were strengthened. Pakistan was getting closer to the Arab World and was reaching a point when Kashmir could be talked about, the Brezhnev Plan for collective security could be resisted and the hegemony of India over the Arabina sea and over the subcontinent

1. The talk of a secret clause was lent substance by a statement made in the Indian Parliament by Indian Foreign Minister Mr. Vijapayee in 1978 that there was a secret understanding between Mrs. Indira Gandhia and Mr. Bhutto on Kashmir. See Z. A. Suleri's *A Secret Deal on Kashmir*, *Pakistan Times*, Lahore May 3, 1978. It is more likely that the Agreement had no more a secret clause than the Tashkent Declaration had and that it contained no more, no less, than what it actually said.

questioned with chances of success. There was a bold plan to acquire nuclear capability. The country was led in the direction of non-alignment. The cause of the Third World for a fair economic deal was taken up as one of the objectives of foreign policy and a convening of a Third World Conference in Pakistan was planned. Although the result of this policy is difficult to assess these developments nevertheless signified a growing self-assurance and a gain in Pakistan's position in the international community. These initiatives were looked askance in the West, being probably considered as unmatched by the country's position and strength. What is material for our purpose to note is, that having balanced Pakistan's relations with the outside world Bhutto could proceed more confidently at the home front to which we must now turn.

Towards the Framing of a Constitution

As the developments in the direction of framing a constitution began soon after Bhutto had taken over power, we may retrace our steps a little.

The appointment as Governors of persons belonging to the Pakistan Peoples Party in the provinces of North-West Frontier and Baluchistan provoked the reaction of the National Awami Party (NAP) and the Jamiat-ul-Ulema-i-Islam (JUI). It may be recalled that whereas Bhutto's party held 85 of the 144 National Assembly seats, in the provinces it commanded majority only in two, namely, Punjab and Sind. In the Frontier province, the Pakistan Peoples Party had been able to secure only 3 seats out of the 40 seats of the provincial Assembly and in the case of one of those seats (won by Hayat Mohammad Khan Sherpao) the success of the Peoples Party was made possible by the support lent by the NAP in pursuance of its larger strategy of defeating the rival candidate, Khan Abdul Qayyum Khan, the leader of the Qayyum League, who was the traditional adversary. In the case of the province of Baluchistan, the PPP had not been able to win a single seat out of 20. In both these provinces, the National Awami Party and the Jamiat-ul-Ulema-i-Islam together commanded an absolute majority.

In the above circumstances, the NAP and the JUI insisted on the appointment of their nominees as governors in these two provinces on the same basis as Bhutto had appointed his own party-men as Governors of Punjab and Sind. It followed up this demand by

launching a campaign for the lifting of the Martial Law and for the end of the Emergency which was joined in by other parties, some of whom had already been agitating for the same. It appeared that in any constitutional scheme Bhutto could not easily ride roughshod over the wishes of these two provinces where, apart from its negligible representation in the legislatures, the hold of the Peoples Party even otherwise was practically non-existent. Obviously, Bhutto could not also continue to act indefinitely on the strength of the martial law which would have meant increasing reliance on the army. He must have felt the need to place his authority on a constitutional and a more durable basis.

An accord was reached with the National Awami Party and Jamiat-ul-Ulema-i-Islam. The National Assembly (short session) Order 1972 was issued, summoning the National Assembly on April 4, 1972 at Islamabad to frame an interim constitution for the country. In its session held on that day a unanimous vote of confidence in the leadership of Zulfikar Ali Bhutto was passed. It was announced that martial law would be lifted from April 21. The draft interim Constitution was adopted on April 17 and laid the legal basis of Bhutto's authority.[1] The fiction of a federation with the possibility of accession by Bangladesh was maintained and Nurul Amin, the veteran leader from East Pakistan, was appointed as the Vice-President.

The Permanent Constitution

On the day the Interim Constitution was adopted on 17th April 1972, the National Assembly also appointed a committee to prepare a draft of the permanent Constitution of Pakistan. The progress towards the finalisation of the permanent constitution was difficult. Controversy and political conflict centred on the presidential versus a parliamentary form of government and on the division of powers between the central government and the provinces. Bhutto's own preference for a presidential system providing for a strong and stable executive was well-known. Equally determined was the opposition to make the executive answerable to the legislature. Within the Pakistan Peoples Party there were members who were similarly

1. The opposition members abstained from voting. See the daily *Mushriq*, Lahore, 18 April 1972.

inclined towards an effective legislature which could offer them hope of having a say in the affairs of the state.[1] Apart from the genuine fears of placing too much authority in the hands of a President, a parliamentary system even otherwise appeared to be a more practical response to the demand for regional self-expression, keeping in view the lessons of the Ayub Khan era. Hectic political negotiations simultaneously took place on the question of the division of powers and the issue of provincial autonomy. On 20 October 1972, an accord was signed by the leaders of all the parliamentary parties and groups in the Assembly. The permanent Constitution was authenticated by the President on 12th April 1973. The Constitution laid down a federal parliamentary system with a bicameral legislature. In yielding to the parliamentary form Bhutto had shown flexibility. But he had also exacted a price. A vote of no-confidence against the Prime Minister was virtually made impossible at least for ten years in view of the conditions which were required to be satisfied before it could be moved.[2]

The Constitution of 1973 marked a major step forward. The framers of the Constitution of 1956 could claim only a qualified representative position as the members of the Constituent Assembly had been indirectly elected. Besides, the integration of the provinces of West Pakistan into a single unit, which was an integral part of that constitution, could not be said to have enjoyed the free consent of the smaller provinces. As for the Constitution of 1962, it had owed its creation to the will of a single man. By comparison, the Constitution of 1973 had the distinction of having been framed by the elected representatives of the people and was based on consensus. For the first time, the issue of provincial autonomy could be said to have been satisfactorily resolved, though in the halved Pakistan. A hope of a new beginning towards a democratic order, therefore surged in many hearts.

Discouraging Signs

However, there had occurred in the meantime some disquieting events and there were some who were cautious in their hopes. To

1. They could recall the insignificance of the National Assembly under the Presidential system of Ayub Khan.

2. See Article 96 of the Constitution.

begin with, Bhutto had also assumed power as the Chief Martial Law Administrator (the first civilian to act as such). In a way it was the consequence of the transfer of power by Yahya Khan, as the Constitution of 1962 already stood abrogated. However, the supreme powers of martial law were used to purge the army and the bureaucracy. These actions were hardly indicative of a regard for constitutional niceties. Similarly, the massive take-over of private business and industry had been carried out without a legislative sanction. Although Bhutto would have enjoyed an absolute majority in the Assembly, he had chosen to place these far reaching actions outside legislative consent. After the promulgation of the Interim Constitution, Martial Law was lifted. But a ratification was promptly obtained from the Assembly to continue the proclamation of Emergency. Most of the fundamental rights were then suspended forthwith. Curiously, members of the Peoples Guard stood watch outside the Assembly building as the legislators sat inside hammering out the first constitutional instrument of the new regime[1] and a leader of the opposition had been assaulted reportedly by the workers of the Peoples Party outside the Assembly building.[2]

The system laid down in the Interim Constitutions, it may be observed, was unusual. It combined a presidential system at the federal level with a parliamentary form in the provinces. More significantly, the manner in which the Interim Constitution was implemented took away much of its sanctity. In the Punjab, for example, effective powers were exercised by the Governor. In Sind, they were exercised by the Chief Minister, with the Governor acting as a figure head. This lack of respect for the Interim Constitution did not augur well for the Constitution of 1973.

The Contradiction

The rise of Bhutto to the office of the chief executive of the state had signalled the return of the politicians after an interval of about fifteen years. In resolution, energy and talent, the new leader appeared equal to the task of creating a democratic order based on social and economic justice to which his party stood firmly committed.

1. See the daily *Jang*, Karachi, 16 April, 1972.
2. *Ibid.*

It was a challenging task as the foundations on which such a system could be built up had yet to be laid. Over a long period during which an authoritarian rule held sway over the country, the institutional framework of a representative system based on adult franchise could not come into existence. On the other hand, even the basic institutions of government had undergone decline. Likewise, public opinion had been unable to find opportunity to develop and organise itself to a level where it could compel observance of the spirit of a democratic constitution. Bhutto had therefore to begin anew. A new set-up of institutions, traditions and values was required to be established in order to set the country forward again in search of democratic existence.

The four years that followed the promulgation of the Constitution in 1973, however, witnessed the pursuit of policies and actions which furnished a strange and extraordinary contrast with the ideals professed by the new government and the hopes to which they had given rise.

Bhutto had begun his rule as President and Chief Martial Law Administrator. The constitution and the legislatures still lay in the future. Full reliance was placed on the bureaucracy to carry out a rapid succession of far-reaching measures. But the bureaucracy was no longer a partner in authority. It had been reduced into submission by the summary removal of some two thousand officers soon after Bhutto had assumed authority. This process was carried further by the administrative reforms which were subsequently introduced to which a reference has already been made. The reforms did not provide a system under which the civil service could become more public-spirited, just and independent as hoped for. On the other hand, the demolition of the old system enabled the government to pick men favourable to the regime and of the 'right' type, regardless of the cadre to which they had originally belonged or of their seniority, to fill key positions at all levels. There were large-scale promotions which created a body of loyal civil servants. Promotions to certain higher grades were made subject to the passing of a written examination but the government reserved the right to promote and secure compliance with this formality subsequently. Promotion often implied the conferment of a favour and carried a corresponding obligation. *Esprit de corps*, the tradition of public

service, the virtues of uprightness and competence as the key to promotion, the co-relationship of calibre with responsibility, were nearly wiped out. Under a scheme of 'lateral entry', more than 5,000 officers were recruited from the private sector mainly on political considerations. The process was rounded off by the removal of constitutional guarantees of civil servants and the assumption by the government of arbitrary powers over their retirement or removal from service. 'Good behaviour' had been ensured. It was now also seen in abundance. In this process many civil servants went to the wall or sought obscure positions or assignments abroad or were made to serve against their will. But a sufficiently large body of officials was available which willingly served in important or key positions at various levels.

The remoulded bureaucracy was now used to enforce an authoritarian order notably in the shape of police repression.[1] Under the preventive laws, from the powers flowing from the continued state of the Emergency and the Defence of Pakistan Rules, political leaders began to be detained extensively and were exposed to physical violence, indignity and even torture. The heavy hand of the authority which fell on their humbler followers can be easily imagined.

It may at first be remarked that the policy adopted to deal with the opposition was not related either to any resistance within Bhutto's own party or to a threat from the parties in opposition. Dissent within the party had been silenced or won over by the weight of executive authority and by the use of patronage. Most of the members of the Assembly belonging to the ruling party had owed their election to Bhutto's personal appeal and wielded little influence in their own right. As for the opposition in the Assembly, it comprised splinter groups whose fate in general followed the pattern of the fable of the lamb that lay with the lion. The President of the Council Muslim League, Mian Mumtaz Daultana, accepted an ambassadorial appointment in the U. K. and resigned his membership of the Assembly. His exit dealt a heavy blow to the Council Muslim League, though some of his party members continued to

1. A number of police officers rose to key positions and high influence in the new setup, notably the head of the Intelligence, Chief of Security and the head of the Federal Security Force.

take a stand against the government. With the establishment of the JUI-NAP coalition governments in the Frontier and Baluchistan provinces, the Pakistan Muslim League joined the government in a coalition. Its leader, Khan Abdul Qayyum Khan, became Home Minister. The orthodox parties, despite their efficient organisation and the zeal and courage of their adherents, enjoyed a restricted appeal and their representation in the Assembly was small. Bhutto's policy, in these circumstances, appears to have been aimed at eliminating potential rather than any actual threat to his authority. It seemed to spring from intolerance and not from inability to hold his own as a leader of Parliament.

The devices employed to suppress criticism of the government were familiar. The repressive press laws of Ayub Khan's days were enforced in their full rigour. Permission to newspapers and periodicals could be cancelled at will and editors, publishers detained under various preventive detention laws or under the Defence of Pakistan Rules. Altaf Gauhar, chief editor of the daily *Dawn*, who had attracted the attention of the intelligentsia by his forceful editorials against the government was imprisoned and was obliged to resign from his post. Muzaffar Qadir, editor of the weekly *Punjab Puch* was similarly imprisoned and his paper ordered to be closed. Altaf Hassan Qureshi, editor of the monthly *Urdu Digest*, Mujibur Rahman Shami, editor of the weekly *Zindagi* and Mohammad Salahuddin, editor of the daily *Jasarat*, were among these who served long periods of detention and endured suffering which opposition to the government often involved. A few papers critical of the regime, like the daily *Nawa-i-Waqt*, continued to appear. But it had to adopt a moderate tone and suffer financial loss through lack of government advertisements. The weekly *Afrasia* was also one of the lucky survivors. It kept criticism alive through its satirical columns.

Control on the spoken word was achieved by the simple expedient of preventing politicians opposed to the government from holding public meetings. Under Section 144 of the Code of Criminal Procedure of 1885, described by Herbert Feldman as 'a stroke of genius' in view of its political misuse during Ayub Khan days, an order could be passed by the executive authorities prohibiting the assembly or procession of five or more persons. Originally intended

to meet situations arising out of riots or civil commotion, the potential of this provision of the law was exploited extensively during the Ayub regime as a means of suppressing opposition. Its misuse was now carried to a far limit. Except for brief interludes, all the major cities throughout Bhutto's tenure of office remained in the grip of Section 144 and the opposition thereby was disabled from projecting its viewpoint or voicing criticism. The meetings held in defiance of the ban or even held with permission were disrupted with the support of the Federal Security Force. In such breakup of meetings, the use of firearms was not infrequent, of which the case of the meetings held at Liaquat Bagh in Rawalpindi in 1974 resulting in many deaths and that held at Tajpura in Lahore are but two illustrations.[1]

The powers which sprang from large-scale nationalisation and from the control acquired over the financing institutions were in certain respects wider and more effective although this fact was not always apparent. With one stroke the party's dependence on the capitalists or the business community for financial assistance had been removed. More significantly, the vast power over employment and financial patronage which had been placed at the government's disposal was used to strengthen authority and to satisfy a vast number of party functionaries and sympathisers at all levels, each according to his degree.

From the beginning, it appears, Bhutto had plans to create an independent physical force to support his authority and reduce his dependence on the army in situations of civil disturbance. The army appeared none too keen to lend its use for the purpose. A plan of creating Peoples Guards, on the style of SS men in *Nazi* Germany, was launched under the command of Maj. General (retd) Akbar Khan of the Rawalpindi Conspiracy case. The proposed cheme of 'storm troopers' was fiercely resisted by the political parties in opposition and had to be shelved. But Bhutto's idea of building up an independent force took shape later on in the form of the Federal Security Force which was created in 1973 "to assist the civil administration and the Police Force for ensuring the main-

1. The incident at Liaquat Bagh, Rawalpindi was under judicial inquiry at the time of writing.

tenance of law and order". The F. S. F., as it was briefly called, however, became the hated instrument of suppressing political opposition.[1]

While every class or interest capable of offering resistance was being rendered powerless or politically harmless, the perpetuation of the landowning classes conflicted with the social and economic policy professed by the new government. Moreover, the landlords predominated in the Assemblies and in political office. It appeared that the government was obliged to compromise with the traditional rural power structure based on landowning. This impression was reinforced by the fact that the land reforms had fallen far short of expectations. There was, however, more to it than met the eye. In the first place, the landlords had traditionally sided with the powers that be, being in no position to stand up against the weight of administration. Local power conflict and party feuds had always placed this class at the mercy of the executive authority. Despite Bhutto's feudalistic background the landlords had been apprehensive of his economic programme. After Bhutto had assumed power they came by and large on his side to maintain their influence with the administration as well as their position among the rural electorate which had become independent of their hold and had become emotionally aligned with the new leader. Although Bhutto utilised the traditional rural political leadership he did not employ the landed classes in any scheme of social and economic regeneration. On the other hand, the prestige of the landed gentry was undermined by their constant portrayal along with the capitalists as a class of exploiters. He built up his own popular image as the representative and protector of the under-privileged at their expense. The landed classes however, became part of an authoritarian scheme. Deprived of any real political power[2] they nevertheless acted as a check against the emergence of radical leadership among the people who were now inspired with the ideals of a new social and economic system.

1. The Force was disbanded after the imposition of martial law in July 1977.

2. The independence of landlords was further reduced by the nationalisation of cotton ginning factories, rice husking and flour milling units which made them dependent on the government for the sale of agricultural produce. These units were denationalised by the military government after Bhutto.

Although this political order had been built up without disturbing the outward edifice of the Constitution, the interference of the judiciary could not be eliminated. Its jurisdiction was often invoked especially in writs of habeas corpus and in the petitions for bail before arrest. The proceedings being public, and the judges inclined to show resistance to executive pressure, a glimpse of the reality intermittently arrested public attention and stirred the conscience. It was found embarrassing. The authority of the judiciary was therefore reduced and partly circumvented.

Bhutto had inherited the proclamation of Emergency. It was no doubt an old legacy, which had remained continually in operation. But he retained the proclamation throughout his tenure. The Emergency gave vast powers to the government over the life, person and property of the citizens. One of its consequences was that the right to enforce fundamental rights under the constitution remained suspended. In order to continue the Emergency, a reference was required to be made to Parliament every six months. The constitution was amended to empower the government to continue the state of Emergency indefinitely unless revoked by an adverse vote in Parliament. By the same amendment, powers of the executive were extended in relation to preventive detention. The government could now keep a person in detention without trial for an indefinite period of time. By the Fourth Amendment the High Courts were deprived of their power to grant bail to any person detained under a preventive detention law. There was a stormy scene in the House when this amendment was being passed. Some of the opposition members were literally lifted and thrown out of the House by F.S.F. men in plain clothes. There was a meleé. Articles were thrown about and fists and slaps were used to silence the protest.[1] The High Courts' power to grant bail, was finally extinguished by the Fifth Amendment in the matter of offences falling under the Defence of Pakistan Rules.

The power of the courts was further reduced by excluding a whole range of political offences from their jurisdiction. Special courts and tribunals were created to try these offences. The procedures prescribed for the trial of these offences were loaded against

1. See *Nawa-i-Waqt*, 15 Nov. 1975.

the accused. Of these trials the Hyderabad Trial became widely known in which Khan Abdul Wali Khan and several other leaders of defunct NAP (banned early in 1975) were prosecuted in 1975 before a Special Tribunal. Most of the offences for which they were tried fell under enactments which were made after the promulgation of the Constitution.[1] The Bar Council Act was amended so that only such a foreign counsel could be admitted as an advocate in this country as "had resided in Pakistan for a period of not less than one year immediately preceding the day on which he applies for admission".[2]

A further encroachment on the independence of the judiciary was embodied in the Sixth Amendment. A tenure system for the first time was introduced for the Chief Justice of a High Court without involving any obligation on the part of the executive to appoint a Chief Justice on the basis of seniority. Government was also empowered to transfer judges. The Sixth Amendment Act, enabled the government to retain the services of a particular person as the head of the country's judiciary.

In dealing with the opposition there was an interesting duel with the NAP and JUI before they were removed. Writing in late 1972 about Bhutto's policy towards NAP, Robert La Porte Jr. uttered the prophetic words: "Bhutto's strategy has been one of circumscribing the NAP's ability to govern with the ultimate goal of replacing NAP governments in both provinces".[3] In the accord reached in March 1972 between NAP and Bhutto, the right of the NAP to form the provincial ministries had been conceded. Both these parties had been in the forefront in the campaign for the lifting of the Martial Law and for ending the Emergency. Now placed in the provincial seats of power, they faced the unceasing hostility of the central government. Attempts at creating disunity between NAP and JUI, however, proved

1. The military regime which took over after Bhutto's fall dissolved the Hyderabad Tribunal and all the accused political leaders were set at liberty.

2. Ironically this amendment in law prevented Bhutto from engaging a foreign counsel during his trial for murder.

3. Robert La Porte Jr. *Pakistan in Transition* ed. H. W. Wriggins, Islamabad University Press, 1972, p. 184.

unsuccessful. The NAP, although it held a majority in the North West Frontier Province, surrendered its right to form the provincial government in favour of the JUI whose leader became the Chief Minister. The provincial governments in the Frontier and Baluchistan declared *Urdu* as the official language and placed a ban on the consumption of alcohol. Both the governments permitted civil liberties and some of the papers that had been ordered closed in Sind and the Punjab found it easy to obtain a publication licence in the Frontier. These ministries also set better standards of civility and service to the people. Above all, the members of these parties, whether inside the Assembly and the Senate or outside, remained steadfast in their party loyalty, despite pressure. The regime appeared unable to checkmate NAP and JUI on the political plane, despite accusation of unpatriotism against Khan Abdul Wali Khan, leader of the NAP.

The NAP was accused of a 'so-called' London Plan, followed by the disclosure of a discovery of a large quantity of arms at the Iraqi Embassy in Islamabad, allegedly imported by NAP for use in the armed resistance in the province of Baluchistan. This affair ended in a fiasco and nothing more was heard about it. Some arms of Russian make were later reported as having been recovered from the kitchen cupboard of the residence of an opposition member of the National Assembly.

The fate of these provincial governments need not be pursued further. The provincial government in Baluchistan was dismissed early in 1974 whereupon its counterpart in the Frontier province resigned in sympathy. Within three months of the dismissal or resignation of the opposition governments in the two provinces, Article 17 of the Constitution which gave the right to every citizen to form or be a member of a political party was amended on May 24, 1974, to give powers to the government to declare, *inter alia*, any political party as operating prejudicial to the sovereignty or integrity of the country, and refer the matter to the Supreme Court. The NAP was declared as illegal, a decision upheld, on reference, by the Supreme Court.[1]

1. The proceedings were, however, boycotted by Khan Abdul Wali Khan.

The end of the NAP-JUI governments in the Frontier and Baluchistan provinces was eclipsed by the overthrow of the Azad Kashmir government engineered by the FSF. A Peoples Party government was inducted into office and Bhutto himself became Chairman of the Azad Kashmir Council. With this Bhutto's control over the whole country was made complete.

Popular Caesarism

Loss of civic liberties and political repression hurt the elite groups, the intelligentsia and the politically conscious urban population. Economic policies alienated the industrial and business community. But the number of those disaffected, though sizeable, was small compared with the large masses of the people notably in the rural areas with whom Bhutto had achieved emotional identification before he had climbed to authority. He had built up his popularity at the expense of the privileged classes. The legend of a man of the masses was cultivated after he had taken up the reins of power.

This popular hold was strengthened by a chain of party functionaries which stretched down to the humblest village. The subordination of the bureaucracy led to the primacy of the party, whose functionaries often dictated administrative decisions. It made possible even for the lowly to have access to higher officers through the party leaders. The long period since 1958, during which politics had remained in abeyance, if not uprooted, had made the bureaucracy overbearing and beyond the reach of the common man. The subordination of its power to political authority was nothing short of a social upheaval. It inspired an ordinary man with a sense of dignity which mattered no less, if not more, than bread.

The media of publicity, projected the image of the new regime on a scale unknown before. Unilateral publicity built up a single image. There were no means through which an opposite view could reach the people. As benefits flowed down, a chain of corrupt following as J. A. Rahim, his mentor and former senior minister expressed it grew up.[1] A new class of vested interests came into being which kept within its fold a substantially satisfied section of

1. J. A. Rahim: *It Must Not Happen Again*, an article appearing in the daily *Pakistan Times*, Lahore in its issue dated September 24, 1977.

society. It needed time, resources and organisation to reach the minds of the masses. All this was denied to the opposition. Meanwhile, class hatred was cultivated and hatred created in these circumstances an impenetrable barrier for a different view to reach their minds and true facts made known. Thus, a popular hold over large sections of the masses was combined with despotism to create what might perhaps he called popular caesarism.

As the authoritarian character of government gradually dawned on a disillusioned people, resentment arose, especially among the politically conscious urbanite sections of the population. But the stirring of conscience lacked the means of remedial action and the virtuous were too weak to resist. Besides, there was no dearth of persons among the educated who were only too willing, indeed strove mightily, to become the instruments of the new rule and the beneficiaries of its gains. To digress, those familiar with the cultural ethos of our society know it only too well that western education does not often march hand in hand with the development of a liberal personality, of compassion and a regard for the dignity of man. In fact, in our power-oriented and authority-graded society, one often saw, at all levels, well-educated people, apparently steeped in western thought, who became insensitive or cynical towards human values and the demands of justice.

The image of Bhutto as a popular leader of the masses was reinforced by a showmanship in politics which was unrivalled. With a superb craft of an actor he dominated the political stage, pouring forth a savage attack against his powerless opponents and against the capitalists and the *Jagirdars* whose authority was now more imaginary than real. The eyes of the television and press cameras followed every significant mood or dramatic posture for expert projection. The press and radio carried to the remotest place every word of what he spoke and the television made the presence of the 'great' leader felt in every household. The act comprised a sole performance. He was the only actor.

Signs of Discontent

The new order appeared to have settled down firmly by a combination of repression against political opposition and a popular hold over the masses, notably in the Punjab and Sind. But there were

signs that discontent had begun to appear and the increasing severity of the regime betrayed its growing weakness. Student unrest in the universities was an early indication. The results of student unions elections in the universities went against the protegés of the ruling party. The public meetings which Bhutto addressed became less and less spontaneous. From the mass meetings of the earlier period he moved to the Assembly halls. It was not until the general election in 1977 that the city of Lahore saw him address a public meeting again. A fleeting glimpse of disenchantment was afforded by the bye-elections held to the National and Provincial Assemblies. These elections were manipulated in order to ensure the desired results.[1] The anger of the moment, however, soon passed and the repressive machine rolled on. In spite of these signs and a general feeling of discontent, it was not possible to gauge the extent and depth of the growing disaffection.

The one moment of crisis faced by the regime arose out of the movement launched in 1976 for the declaration of the Ahmadis as a non-Muslim minority and their removal from key government positions.[2] The movement which had a long history behind it was animated by a powerful religious sentiment. The tactics of repression could not be easily applied to crush it. The politicians also saw, in the process of confronting the regime with a dilemma, a possibility of breaking despotic authority. The Ahmadis had rendered considerable service to Bhutto during his election campaign and it was anticipated that he would find it difficult either to ignore this fact or the strength of the community which had international affiliations. But the opposition leaders had misjudged. Having allowed the movement to reach a climax, Bhutto allowed the community to be declared a minority by the National Assembly in dramatic circumstances and thus claimed credit for an act which he said had eluded politicians in the past. The religious sentiment was no doubt satisfied. The political aspect proved to be an arrow shot in the air.

The moments of danger thus came and passed and he became entrenched in a position of impregnable authority. With absolute

1. See *White Paper on the Conduct of the General Elections in March* 1977 issued by the Government of Pakistan, Rawalpindi, July, 1978.

2. See p. 41 *ante* for an earlier agitation on this issue.

authority went the arrogance of power and increasing severity with which the heavy hand of authority fell on opponents and dissidents within the party. As the enrolment of the membership of the Peoples Party began in the summer of 1976, the last stalwarts in opposition were falling. There was a frantic race to join. Some had an eye on securing the party ticket for candidature to the Assemblies. In this crowd were many who were not lacking either in high education or independent means of living.

It was a long distance from the ideals with which the new government had begun its career. The institutions of the state had been subordinated to serve the needs of an autocratic rule. The executive authority had been used to bend all opposition and the resources of the nation employed for the purchase of the conscience and tongues of men. There appeared to be no resistance to his will. He ruled supreme.

On 7 January 1977 a news appeared in the national press announcing the dissolution of the Assemblies and the holding of a general election to the National and Provincial Assemblies on March 7 and 10, respectively. Although there had been some speculation about the holding of the election or its likely date, the news hardly caused any stir. The result of the elections was considered a foregone conclusion.

The General Election

Although the opposition lay inert and resourceless, it nevertheless responded with confidence and promptitude. Two days after the call to the general election nine political parties belonging to the opposition met at Lahore on 10 January 1977 and formed a united election front named as the Pakistan National Alliance or, briefly, the PNA. The parties were: the Muslim League, Tehrik-i-Istiqlal, Jamaat-i-Islami, Jamiat Ulema-i-Islam, Jamiat Ulema-i-Pakistan, Pakistan Jamhoori Party, National Democratic Party, Khaksar Tehrik and the Muslim Conference of Azad Kashmir.[1]

1. The parties were headed by the Pir Sahib of Pagara, Air Marshal (Retd.) M. Asghar Khan, *Maulvi* Tufail Mohammad, *Maulana* Mufti Mahmud, *Maulana* Shah Ahmad Noorani, Nawabzada Nasrullah Khan, Sardar Sher Baz Mazari, Khan Mohammad Ashraf Khan and Sardar Abdul Qayyum, respectively.

The parties in opposition had apparently been working for some time to evolve a united front in the event of a general election. Their total unity, however, came as a surprise,[1] especially the speed with which it was accomplished. A common suffering of oppression by the leadership of the opposition, so it seems, more than any lesson of the general election of 1970[2] united its leaders in the firm resolve to go to the polls as a single body with such strength as they could muster to oppose the government. As a result, political parties with widely different persuasions, such as the National Democratic Party which had socialist leanings and the Jamaat-i-Islami which was an orthodox party, made common cause against the regime.

As the curbs on political activity were relaxed for the first time there was a spontaneous outburst of criticism against Bhutto's rule through the medium of the press and in the shape of public meetings and processions held in the cities and towns which broke the long silence. The PNA, whose unity had given fillip to the forces of discontent, became the beneficiary of a mass upsurge. It also now became its directing force. The air was full of perilous excitement. The brief period of two months allowed to the election campaign lent it a dramatic intensity.

The widespread disaffection which suddenly came to the surface in the urban areas had been germinating for a long time. The causes were many. To begin with, there was the economic failure. The massive nationalisation of industry had failed to bring the promised relief to the common man. Most of the taken-over units became uneconomic due to difficulties of management which were aggravated by political misuse, and the burden was ultimately passed on to the public exchequer. The labour was given wide concessions which, though overdue, were not related to productivity. Similarly, the security of employment assured to a worker was unmatched by

1. It was probably contrary to the opinion given to Bhutto by his advisers. There had been election fronts in the past, e.g., the Combined Opposition Parties (COP) during the 1965 Presidential election when Fatima Jinnah stood against Ayub Khan. However, a total union of all the opposition parties was without a precedent.

2. During the general election of 1970 Bhutto had secured about seventy per cent seats from West Pakistan although he had polled about thirty-seven per cent votes. The opposition votes were divided among different parties.

responsibility. There was widespread indiscipline and unwillingness to work resulting in a sharp decline in efficiency amidst a vitiating atmosphere of class hatred. Nationalisation did not carry adequate compensation. The denunciation of the capitalists and the business community which accompanied it, frightened the entrepreneur. Investment in the private sector became negligible and growth rate fell alarmingly. Inflation wiped out what little benefit had accrued to labour or low income groups through wage increases in view of the rising cost of living.

Growing unemployment was to some extent relieved by the emigration of labour, mostly to the Middle Eastern countries. But their remittances, while contributing to the country's earnings of foreign exchange, aggravated inflationary pressures. Meanwhile, non-productive expenditure by government kept on rising. Outside factors, such as increase in oil prices and worldwide inflation, added their weight to a worsening situation. To meet these problems and their consequent impact on the life of a common man, the government did not seem to have any planned effort. Instead, reliance was placed on ad hoc decisions. Even the traditional five year plan was abandoned. In these circumstances, the limit to which the burden could be passed on to the middle section of society was soon reached. Discontent smouldering in the urban centres was spreading to the smaller towns, (where even the small trader was thrown out of business by the nationalisation of wheat milling and rice husking units) and was reaching the countryside.[1]

The remoulding of the institutions of the state to serve the needs of an autocratic rule had begun to tell upon the life of an average citizen. It became difficult to get around the ordinary problems and the daily cares of life, while corruption confronted at every step. To the bureaucratic oppression was added the tyranny of the paıty functionaries and their followers. Although the people were used to the exercise of wide power, even its abuse, by the government employees, the sight of fellowmen, often with unenviable reputation, parading their authority, sent waves of anger. Quick fortunes made through ill-gotten means excited envy and hatred. The inequitous

1. The nationalisation of rice husking and flour milling units in 1976 threw the traditional *arhtis* (middle-men) out of business in rural markets (*mandis*).

system could satisfy only a minority, but it affected all, especially due to the control gained over the economy. People in private business had to turn more and more towards government and their success depended increasingly on the support of the party. Even the legal profession largely lost its traditional freedom as a number of lawyers could be engaged in the nationalised sector, an inroad made for the first time into a hitherto independent and politically vocal section of society. But a large majority of them had been left out or were found unwilling.

It is unnecessary to recount the ways in which an autocratic rule weighs upon the lives of the people. It may, however, be observed that it was the nature and conduct of Bhutto's rule which caused the profoundest resentment. The extinction of political liberty and civic rights ran counter to the process of liberalisation which had been taking place for nearly a century and alienated the intelligentsia and the politically conscious sections of the nation. In the treatment alike of the opposition and of dissidents within his party, Bhutto had acted with remorseless severity. The policy of repression, involving excesses, did violence to the deeply ingrained standards of conduct and the irresistible stream of humanity. The occurrenec of a number of murders of political leaders, which went untraced, cast a deep shadow on his rule. When the pent up anger broke out, it had the passion of revolt against tyranny.

One of the many contradictions of Bhutto's rule was that while he aspired to be a democratic leader, his actions led in the opposite direction. Having decided on elections, steps were then taken to ensure that the results followed a predetermined course. As early as 1974 a model election strategy was worked out for two constituencies of his home town, prepared or approved by Bhutto himself, dubbed as the Larkana Plan. It was to serve as the basis of an exercise which was later undertaken on a countrywide scale under a special election cell headed by a federal minister. The preparations for the general election were required to be made like 'a battle', 'leaving nothing to chance'. The keynote of the plan was the lack of distinction between the party and the state.[1] Administration was

1. For details see *White Paper on the Conduct of the General Elections in March* 1977, Government of Pakistan, Rawalpindi, July, 1978.

made an integral part of this process. For example, it recommended suitable candidates. This arrangement served three main objects. First, it enabled Bhutto to have an independent assessment of the loyalty of a candidate and his strength or following in the constituency concerned. Secondly, it made clear that the candidate had been selected by Bhutto himself, a fact which he rightly pointed out in a letter addressed to the nominated candidates of his party. Loyalty must be owed to him alone. Thirdly, by making the bureaucracy a party to this operation, it was made responsible for the result.

Suitable officials had been placed in all significant positions, down to the polling officers who were supposed to work under the independent control of the Chief Election Commissioner. The position of the party was reinforced, perhaps due to a sense of its declining populatiry, by the award of party tickets to a number of politicians of the former Convention League, with landowning interests. Vast resources were made available and the media of publicity and propaganda were geared to mould public opinion, already fettered and controlled, on approved lines.

Despite preparations to make the election "a regulated affair", it was expected, that the resumption of political activity would generate criticism. Advance preparations were made to meet the situation and it was decided to release controls gradually to minimise or dissipate the effect. Perhaps no one foresaw the depth and range of criticism which burst forth. As often happens, the party which employs propaganda as a shield against criticism or truth is the first victim of its deception. The mass fury which manifested itself was a development for which the government, so it seems, was not prepared. Though there were signs of bewilderment in the party, even panic, Bhutto himself appeared unmoved at the turn of events, confident of his charismatic appeal and the support of the common man with whose interests he had striven to identify himself. Conscious, too, of the realities of actual polling where the mobilisation of men, resources, transport and the support of administration held the key to success. Processions and meetings could often give a misleading impression of voting strength. The ruling party had done its homework well for months.

Despite the apparatus of a parliamentary system, the character of Bhutto's rule could have hardly made the election the usual

periodic event in a democracy where the political parties contend with good humour to seek the confidence of the electorate, although heat and controversy is generated in the process. From the first day the contest bore the aspect of a struggle against oppression. And it looked as if enforced subjection had called into action the right to rebel.

The extraordinary and widespread protest which had spontaneously manifested itself carried a moral overtone. Effective political opinion in the country had arrayed itself against the government. The elements which it represented had of course their individual accumulation of grievances. Business men, traders and industrialists, students, lawyers and religious groups, for example, had all their separate causes for complaint. The common and the dominant note was a protest against tyranny which had crossed the point of acceptance. The PNA had provided a platform for the opposition parties, channelling a broad spectrum of disaffected public opinion. It represented nearly all the elite groups and more significantly, the articulate or the opinion moulding sections of society. It had at its command a large body of political workers, carrying a tradition of political agitation. Though a minority of the nation had come forward, it was nevertheless the effective minority and it was imbued with a moral purpose.

The upsurge which converted itself into a movement carried the central message of replacing an unjust government with a just order. The protest was expressed in the moral framework of religion, a natural idiom known to the people. The PNA promised to usher in a system practised by the Prophet of Islam which it called as *Nizam-i-Mustafa* (lit. the system of the Prophet). The religious parties and orthodox sections of the people combined their forces with the movement. These parties, though sharing with the other political parties a bitter resentment against an autocratic rule, had their individual source of grievance. From the beginning, the religious sections had viewed with scepticism the purported blend of socialism with Islam. Socialism was in fact conceived as anti-thesis to religion. The secular attitude of the government and its open disregard of the position of the religious parties threatened their very existence. The encouragement of a permissive society and the lowering of moral norms, deeply offended religious susceptibilities.

Although the extent of Bhutto's hold over the people became a matter of dispute in the rapidly changing situation, it was nevertheless apparent that he enjoyed popular support among large segments of the population, notably in the rural areas of the Punjab and Sind. But he was unable to mobilise this support into an effective political instrument to meet the challenge of the movement which had shaken the country by its mammoth meetings and processions. The popular sentiment which Bhutto had been able to inspire rested, in the main, on the hatred of the privileged classes. It had been built up at the expense of property or privilege, and was strengthened by the growth of a class feeling. The basis of support was essentially negative. Popular sentiment was not matched by popular rights. No institutions had been created based on popular representation to inspire the people with a will to preserve them and, if necessary, defend them. It was a large voting pool, lacking political effectiveness. A silent majority, may be, but without a genuine political organisation, institutional expression or popular involvement other than an emotional attachment with the leader. It lacked the will, organisation, and a cause to place its weight behind the regime which was now under assault.

PNA's chances of success began to increase according as the public response grew. Hopes of a sizeable minority in the future Assembly were transformed into the possibility of a victory.

The strength which the PNA was able to gather placed the government on the defensive. The mainstay of the Peoples Party was the rural vote, the backing of the administrators and of the landed interests which had aligned themselves with government in a curious contradiction. What, if the PNA broke this hold or even made a serious inroad? There was also a large vote in the urban areas which felt emotionally identified with Bhutto. But then the bye-elections had brought disappointment to the government. Despite the power and resources arrayed behind the ruling party, uncertainty began to loom. Hence, the first desperate move towards securing unopposed election of candidates, which it seems, was partly intended to release senior politicians or important candidates from worrying about their own constituencies. The attempt boomeranged in view of manipulation and the blatant manner in which the rival candidates in some cases were removed from contest. By 23 January, 69 candi-

dates to the Provincial Assemblies, (including all the four Chief Ministers) and 25 candidates to the National Assembly (including Bhutto) had been declared to have been elected unopposed. A few of the cases could have been genuine. But an irreparable damage had been done. Credibility in the unhindered process of the ballot had been eroded.

The spree of unopposed elections might have been also prompted by a desire to present the PPP as the winning party as the electorate in the country usually tended to side with the winning party in the hope of gain or out of fear from acting otherwise.

To meet the challenge, the mechanism of a genuine political organisation was not available to Bhutto. Many of his ministers and party members of the Assemblies owed their position to the personal appeal of Bhutto. Their own subsequent record of public office was hardly a source of credit. They were mostly the beneficiaries of power and patronage but in turn lent no strength to the party. Personal supremacy had obliterated the position of the party. No system either had been built up at lower levels for democratically elected local bodies, developing local leadership. Bhutto thus lacked an effective organisation capable of mobilising public opinion. This work obviously lay beyond the power and resources of the bureaucracy. There were no intermediary layers between him and the people over large sections of whom he still seemed to exercise great emotional hold. He stood alone. He went round the country in a whirlwind tour to lead processions and address large public meetings. He seemed to evoke his earlier appeal. But much of the former magic had gone and the gatherings lacked spontaneity.

The Landslide Victory

The results of elections to the National Assembly were announced on the evening of 7 March. PPP had won 154 seats: PNA 38 seats. About the same time political activity was placed under a ban and the assembly of five persons or more was prohibited by orders issued under section 144 of the Code of Criminal Procedure in all important cities.

The landslide victory of the Peoples Party came as an anti-climax and was received with shock by large sections of the people. It was probably considered too glittering by the PPP itself to call for

jubilation. The results were promptly rejected by the PNA which it declared, were the product of large-scale rigging. The elections to the Provincial Assemblies, scheduled to take place on 10 March were boycotted. The PNA demanded fresh elections under the judiciary and the army and the resignations of the Chief Election Commissioner and of the Prime Minister himself. The country-wide strike held in protest on 11 March seemed to endorse the PNA's demands.

Was the National Alliance a bad loser? Had it confused public meetings and processions with voting power and was over-sanguine in its hopes? Did the silent 'majority' and the female vote upset calculations? Was it a question of a margin only, a few more seats to the PNA (as conceded later by the ruling party itself) but leaving the PPP in a comfortable majority? Much energy was expended in propounding these questions and finding their answers. But they missed the central issue. It was the credibility of free elections, the un-hindered process of the ballot which was at issue. If this was in doubt, the number of seats won by either side did not matter. On this depended the legitimacy of the Assembly and the position of the Prime Minister himself.[1]

In the public mind, a number of factors tended to reinforce the PNA's stand. It recalled that the Peoples Party at the height of its popularity had polled a minority of votes in the elections of 1970 when the opposition was divided.[2] Things stood differently in March 1977. The results contrasted too sharply with the demonstration of public support for the PNA during the election campaign. (It was incredible to most that PNA should fail to win a single seat in the city of Lahore). The unopposed elections in many cases had been viewed with scepticism, even disbelief. Rigging of bye-elections had set a poor example and made the public responsive to accusations of malpractices. During the campaign and at actual polling, the partiality of the administration and misuse of government faci-

1. Bhutto realised this position. Pleading his own innocence he chastised the officers by saying "Why did you do this to me?" He did not apparently realise that, apart from the over-enthusiasm of individual candidates, the sweeping victory was the fruit of a policy which was first set forth in the Larkana Plan.

2. The Peoples Party had polled about thirty seven per cent votes but had secured more than seventy per cent seats.

lities had become too well-known. The tactics of rowdyism and intimidation adopted by many of the candidates were directly witnessed by the people. There were small incidents pointing in the same direction.[1] PNA's allegations were lent perhaps the most convincing, though indirect support, by the polls to the Provincial Assemblies where the turnout of voters had been extremely low, at places virtually nil. It was however, announced that 62% of the voters had cast their votes. These factors, weighty in themselves, were inflated by a generous sentiment in favour of the PNA. The results so it was felt, had snatched victory from out of the hands of the people. The sanctity of the ballot was the stick to beat the government with.

Speedily, even by the hour, the situation was developing into a crisis. Bhutto was now on the horns of a dilemma. It was the first political crisis of his rule. To concede the demand of fresh elections amounted to an admission of rigging and opened the door to the peril of a possible defeat. On the other hand, lay the choice of suppressing resistance which was likely to follow the continued refusal by the PNA to accept the results and the legitimacy of the Assembly. But employment of force could harden resistance and conceivably plunge the country into a deeper crisis. But could PNA withstand the repressive machinery for any length of time? It seemed doubtful. Whatever calculations might have entered his mind, apart from the anxiety of the MNA's elect, it seems that the fear of the loss of office even more than a passion for authority was a factor in the decision which he took. In his address on the television on 12 March he firmly rejected PNA's demand for fresh elections and warned it to accept the results or be crushed. Forestalling demonstrations he satirised possible attempts by the Alliance to take out procession with the dead bodies of one or two 'poor' persons. Within the framework of the Constitution, he said, he was prepared to talk and apparently wished to appear reasonable. The Federal Security Force, the police and other executive agencies identified with the regime and fearful of the prospects of PNA's rule, waited with restless energy to stamp out any show of resistance

1. The results of election of a constituency of the Provincial Assembly due to take place on 9 March were handed over by mistake to *Maulana* Abdul Sattar Khan Niazi on 7 March.

by the Alliance.

The PNA picked up the gauntlet. It took the decision to launch a mass movement of protest from 14 March if its demands were not met. During the four months which followed, the nation was locked in a mortal conflict. Unarmed, normally peaceful, civilian people stood up against a regime determined to stay in power at all costs and asserted its manhood before the eyes of the world.

It is not proposed to give here a detailed account of the movement which was probably without a parallel in the long history of the subcontinent in terms of endurance, sacrifice, tenacity of resistance and of unbroken will. It cannot, of course be asserted that the course of action was inevitable or the ultimate outcome was the only result of the inter-play of forces. Indeed, the fate of the movement on a number of occasions had trembled in the balance. We may briefly recall a few of the important stages of a political upheaval which shook the state to its very foundations.

The movement began on 14 March but in a manner different from what had apparently been anticipated. There was not going to be any processions, to start with. Instead, five leaders of the PNA in each city were going to assemble and defy Section 144. The public had been asked by PNA to stay away. At Lahore, Air Marshal (Retd.) Asghar Khan led a party of five, each carrying the holy book under his arms, and defied section 144 in a moving scene witnessed by tens of thousands of people at the Nilagumbad mosque. There were similar acts of defiance elsewhere in the country. Tension gripped the hearts and seemed to pretend an impending storm.

It seems that the regime had misjudged the strength and ability of the PNA to lead the movement and had underrated the power of religious sentiment. Pitched against force, religion lent an extraordinary dynamism to the movement and steeled men's will to resist. The agitation had moved into the broader spiritual ethos of the nation to challenge a despotic rule. It was not obscurantism but a fight for justice and rights and human dignity expressed in the only idiom known to the people.

On 16 March the Lahore High Court Bar Association, more recently outraged by the arrest of its President,[1] came out with

1. Mr. (now Mr. Justice) Aamer Raza A. Khan.

a firm support of PNA's stand and the movement. The entry of the lawyers on the PNA's side added a new dimension to the struggle just as the processions taken out by the ladies had added another.

Widespread arrests of workers and leaders of the PNA followed in a rapid sweep. Yet, the 'black day' was observed throughout the country in protest against the National Assembly session on March 24. The increasing repression and use of force reached its climax with the brutalities committed on the congregation at the Muslim Masjid (mosque) at Lahore on 31 March which it is not possible to describe without recoiling with a sense of horror and shame. Despite increased repression, the session of the Punjab Provincial Assembly, defiantly held on April 9, was greeted with a daring protest. Eight processions were taken out in Lahore, including a large procession of lawyers, despite police obstructions. The processions were lathi-charged and tear-gassed, and there was shooting which led to several dead and many more injured. The Assembly building was cordoned by barbed wire and contingents of police and military Rangers stood guard as 338 MPA's took oath of office inside. The same day is memorable for the ladies procession which included distinguished figures taken out barely a hundred yards away which was tear-gassed and lathi-charged helped by a group of prostitutes in police uniform.[1]

Despite the detention of a vast number of workers and most of its leaders, the movement showed no signs of wearing out and moved forward in its own momentum. The assault on the people was eating through what little goodwill had remained for the regime. There was a change of tactics. It was decided to confront the PNA agitationists with the supporters of the PPP, with the government agencies moving into a second position. Arms were distributed and Section 144 was withdrawn to unleash the power of the PPP. Some sections of the common people supported by hired strong-men, it was probably thought, would drown the agitation in blood. These ghastly possibilities, however, did not occur. Only a small procession could be managed. There was shooting at the PNA processions at

1. A large number of women in the procession were in *burqas* (long veils).

Lahore. The two buildings from which it had been done were put on fire and the assailants were captured.

The regime appeared increasingly unable to control the situation as each mosque turned itself into a citadel of resistance, sending out volunteers to maintain a steady stream of resolute resistance. On 19 April the army had to be called in Lahore, Hyderabad and Karachi and curfew was imposed in Karachi. On 21 April, following the call for a 'wheel Jam' strike which would have brought all business to a frightening standstill, martial law was imposed in Karachi, Hyderabad and Lahore. Important cities were placed under curfew.

The entry of the army marked the end of a phase. Evidently, the army which had held back from any large-scale shooting by the incredible daring of the people to face the bullets, could not have remained immune to the mass upsurge, to the brutal attempt at suppression and to the moving expression of religious zeal. It was probably now under persuasion from the Generals that Bhutto met with Mufti Mahmood at Sihala and thus began the tortuous course of parleys with the imprisoned leaders of the Alliance.[1]

Negotiations

The proposal taken by Bhutto to Maulana Mufti during his first meeting with him at Sihala on 23 April was the one which had previously been made by Mr. Yahya Bakhtiar, the Attorney-General of Pakistan. Dubbed as the Yahya Bakhtiar formula, the proposal contained an offer to hold fresh elections to the National Assembly provided the PNA was able to secure an overall majority of votes in the elections to the Provincial Assemblies, earlier boycotted by the PNA, which the government was willing to hold again. This proposal, which conceded the possibility of new elections to the National Assembly, had however, been already rejected by the General Council of the PNA on the ground that the main issue was election to the National Assembly itself. The terms of the Yahya Bakhtiar formula were enlarged to include some other concessions, but the

1. The detained leaders of the PNA were assembled at the Police Training Centre at Sihala (notified as a sub-jail), a place situated a few miles away from Rawalpindi.

regime did not seem to yield on any of the basic demands of the Alliance.

Meanwhile, the government took some other steps. On 27 April, the Army Act was amended whereby army action in aid of civil authority could now include martial law as well. On the same day, a joint statement appeared in the press, issued by the three Chiefs of Staff and their Chairman, expressing their loyalty to the state and to the government. A seat in the Senate was made available for General Tikka Khan, former C-in-C of the army and he was made Minister of State for Defence and National Security.

The PNA stood firm on its three main demands; the resignation of the Prime Minister; fresh election under the auspices of the army and the judiciary, and a new Election Commission. Behind these demands were arrayed the passions of public opinion, hardened by a bitter struggle, which left little room for flexibility. The gap which existed between the position assumed by the PNA and that taken up by the regime, became wider by Bhutto's speech made in Parliament on 28 April, in which he charged that the PNA movement was part or instrument of an international conspiracy aimed against him.

The negotiations which had a fitful start, seemed to run into an impasse. But a hope emerged through the intermediation, apparently at government's request, of the emissaries of Shah Khalid of Saudi Arabia and of Sultan Sheikh Zaid Bin Sultan Al-Nahyan of the U.A.E. There were further proposals from both sides. The PNA's demands, or proposals, made public on 5 May, were expressed in Five Points, under which were grouped thirty-two proposals. The last point related to the resignation of the Prime Minister. To these proposals Bhutto responded with the declaration that conditions inside and outside the country were not suitable for holding a general election, which seemed to bring the talks to an abrupt halt. PNA's reaction was expressed in the Maulana's letter addressed to Bhutto which the latter read out in the National Assembly on 13 May. In view of the position taken up by the Government, the PNA declined to hold any further talks until its three main demands were met. In the same letter, the regime was accused of trying to give the impression of negotiations in the hope of weakening the movement in the

meantime.[1]

Bhutto's reaction to the Maulana's letter was emotional but firm. He again referred to the unfavourable conditions for holding elections, which, he declared, would lead to serious polarisation in society and open the door to foreign intervention. He, however, offered to hold a referendum on the issue, and to have the Constitution amended for this purpose. The proposal of a referendum was however, promptly rejected by the PNA. With that ended the first round of negotiations. There was a fresh wave of repression and the PNA leaders were shifted from Sihala and taken to undisclosed far off prisons.

A referendum, if successful, would have signified for the government a kind of popular approval or a mandate. The failure or inability of the government to go ahead with the proposal, despite the ground prepared for it, therefore, represented a set-back for Bhutto. Although neither side had yielded, the regime had been unable to make the PNA's stand appear as untenable or make its own position look more reasonable. In fact, the government had been unsuccessful in acquiring legitimacy which had been placed in doubt during the first days, even hours, of the declaration of the results to the National Assembly, although it could not be asserted that the ruling party would have lost in the event of fresh elections. Meanwhile, the movement had shown no signs of wearing out, despite the use of force. At the same time, public opinion had hardened, making it virtually impossible for the PNA high command to give up the demand of Bhutto's resignation. Both sides thus seemed to be heading again towards a collision, the renewal of the terrible conflict which had earlier shaken the country.

The dreadful possibility was, however, avoided. The ground was

1. The Maulana's letter read out by Bhutto also referred to a report of the Associated Press of Pakistan published in the daily *Millat* (Gujrati edition) on 6 May. The report carried a statement made by the Chief Election Commissioner in which he was reported to have said that in view of the large-scale irregularities committed during the general election, no useful purpose was likely to be served by inquiring into specific cases. The only solution, in his view, the report said, was to hold fresh elections. Incidentally, on 12 May, the Ordinance giving summary powers to the Chief Election Commissioner to inquire into cases of irregularities committed during the election, was withdrawn.

fortunately prepared for talks to take place between the two sides. This was made possible, in part, by the good offices of the Saudi Ambassador, Mr. Riaz-ul-Khatib, as a result of which Sardar Abdul Qayyum Khan, apparently with government's blessings, met with the PNA leaders now detained in different prisons. The PNA team comprised Maulana Mufti Mahmood, Nawabzada Nasrullah Khan and Professor Abdul Ghafoor. They were released a day before the first meeting scheduled for 3 June and brought back to Sihala. The other leaders of the Alliance were still under detention.

Before the meeting of 3rd June a Full Bench of the Lahore High Court declared the imposition of martial law as illegal. The Supreme Court refused to suspend the order of the High Court.

The government team comprised, besides Bhutto, his two ministers, Maulana Kausar Niazi and Abdul Hafeez Pirzada. During the first meeting, held on 3 June, the government agreed to release the PNA leaders, as well as those who were detained under section 144, to lift press censorship, and to end the hostile propaganda against the PNA. On its side, the PNA agreed to suspend the political agitation.

During the sessions held on 6 and 7 June, re-election to the National Assembly was agreed to and a sub-committee consisting of Prof. Abdul Ghafoor and Mr. Abdul Hafeez Pirzada was set up to work out the details. In the joint press conference held on 7 June, it was disclosed by Maulana Kausar Niazi that 12,900 persons detained under section 144 had been released. The figures of the total number of persons under detention had, however, not yet been collected. Matters like the end of Emergency, withdrawal of troops from Baluchistan, were agreed to in principle but their implementation was deferred. The sub-committee met on 8 June and seemed to reach agreement on the mode of the dissolution of the National Assembly, powers of the Election Commission and on other matters concerning the elections. A hope of a settlement emerged. On the same day, the Attorney-General requested the Supreme Court for adjournment of the hearing of the government appeal against the High Court judgment in view of the promising developments.[1]

1. The Attorney General stated before the Supreme Court that according to official figures 241 persons had died during the agitation and 4,653 processions had

(*Contd. on next page*)

The teams met again on 9 June but the talks entered into difficulties. The difference of opinion centred on the structure of the council proposed to be set up as a caretaker government for the purpose of conducting the new elections and for administering the country in the meantime. As proposed by PNA, the council, to be called the President's Council, would have equal representation from both sides, which would include Bhutto, but would have no Prime Minister. This position Bhutto was unwilling to accept, though he was prepared to take five of the PNA nominees in a coalition ministry to act as the interim government. This position was unacceptable to the PNA. In their view it left the position virtually unchanged. A deadlock followed.

There were more sessions and efforts by the Saudi ambassador to save the situation. The last meeting (ninth in the series) between the two teams took place on 15 June. At the conclusion of the session Prof. Abdul Ghafoor in the presence of Maulana Kausar Niazi was able to declare that a settlement had been reached on basic issues. A sub-committee, consisting of himself and Abdul Hafeez Pirzada had been constituted to work out the details of the settlement, with the assistance of four legal advisers from each side. The sub-committee was to begin work at once. A formal agreement would be signed as soon it was finalised. In a press conference Air Marshal (Retd.) Asghar Khan announced that PNA had obtained government's agreement, among other matters to an unconditional end of the Emergency, release of prisoners, election to the National Assembly in the first week of October, dissolution of the National Assembly, end of the provincial assemblies and governments, and an independent and effective Election Commission. A ten member council, comprising five members from each side would be responsible for implementing their decisions and the constitution would be amended for this purpose, as may be considered necessary.

The sub-committee met to prepare and finalise details of the settlement. Difficulties emerged and differences could not be resolved as Bhutto suddenly left on a tour of the Arab countries. The

been taken out since 14 March (The PNA had suspended agitation on 27 May). The details of processions were: Men: 3,994: Women: 248: Students: 248: Lawyers: 92: Ulema: 18 and those taken out by Children 53.

work of the sub-committee consequently could not make progress as none on the government side could take the final decision in Bhutto's absence. A cloud of uncertainty hung over the deliberations of the sub-committee. The PNA was indignant over Bhutto's sudden departure, particularly when the agreement lay on the anvil. Matters drifted towards a deadlock on Bhutto's return. Bhutto now insisted on becoming the Chairman of the proposed General Council. There were hurried sessions, consultations and a deepening crisis as hopes of a settlement began to recede. In a number of sessions the army generals had been invited. The crisis remained unresolved. Tension mounted every hour. The nation appeared again on the edge of a precipice. It was probably around the beginning of July that a momentous decision was taken. On the night of 4-5 July, under an operation, code-named, 'Fair Play', the army took Bhutto and other leaders of the PNA into custody and assumed control of the administration of the country. The Constitution of 1973 was not abrogated. Martial Law was proclaimed. General Zia-ul-Haq, Commander-in-Chief, expressed it was his aim to restore authority to civilian hands after a new election which he visualised could be held within three months.[1]

At the opening of the year 1977 few persons could imagine that the call to the general election would call forth a mass upsurge of the people against the government. None, perhaps, could foresee that the polls of March 1977 would give rise to an extraordinary movement of protest or had the temerity to predict the outcome of the political crisis which followed. Yet, in hardly four months time, a regime entrenched in a position of near-impregnable authority had fallen amidst disillusionment, embittered emotions and uncertainty.

Several factors, however, make the period of Bhutto's government an epoch of great significance. The rise of the Peoples Party

1. Bhutto, alongwith four officers of the Federal Security Force, was subsequently tried for the murder of one Nawab Mohammad Ahmad Khan who had died as a result of shooting aimed at his son, Nawabzada Ahmad Raza Khan Kasuri, a political opponent. By a unanimous decision of the Lahore High Court, he was found guilty and sentenced to death, a conviction upheld, on appeal, by the Supreme Court of Pakistan. The sentence was executed on 4 April 1979. The other four accused were also later on hanged.

to power, to begin with, had marked the return of the politicians after many years. For the first time, since the early days after Independence, the politicians were genuinely in the ascendancy. No government before had come to office committeed in the main to the improvement of the material conditions of the common man. No political leader had pleaded with such passionate fervour as Bhutto, for the democratic rights of the people and the need for social and economic justice in society. The support which he received from the electorate during the general election of 1971 was the expression of a moving, almost pathetic, yearning of the people for political participation and their love for democracy. The rise of the Peoples Party to authority demonstrated for the first time the power of the ballot, as the means whereby the people could hope to bring into office a political party responsive to their aspirations. It consequently made the need for popular involvement and a larger power base compelling. The period also set in motion the breakdown of values associated with a feudalistic and an authoritarian social system. The advent of the Peoples Party consequently led to a resurgence of political awareness and an assertion of rights. It also led to the growth of a class feeling among the general masses who became deeply concerned with the improvement of their economic conditions but without regard for the institutions of society in which, through lack of involvement, they felt they had no stake. These developments taken together represent a profound change in the attitude and outlook of the people which marks a radical break with the past, and may perhaps be termed as revolutionary.

The assertion of rights, however, lacked a corresponding sense of obligation or the working discipline of democracy. The power of the people was not allowed a genuine expression in the form of appropriate institutions at various levels or even in the shape of a democratically organised political party. The ascendancy of the party gave way to the rise of personal authority and democracy was robbed of all its substance. The promise of sudden economic uplift was unrealistic even when it was made. It became the more difficult, virtually impossible, to fulfil it on account of the policies that were actually pursued. Adherence to religion did not go beyond symbolic reverence. Bhutto thus laid himself open to the accusation that religion, socialism and democracy were only pawns in a game of

power. When he fell, hopes and aspirations were left floundering in the bog. The task of reconstruction became almost insurmountable in the midst of institutional wreck and decay.

It is too early yet to say what society will make of the tendencies which were unleashed during this period or the manner in which it may harmonise them with democratic processes. Only when these trends have worked themselves out that a future student of history will be able to assess their true significance and determine their place in the hard march of the nation. These developments, however, having origins in social and economic realities, are likely to be free from the contradictions of the man who had so forcefully brought them to the surface. One may, therefore, venture the opinion that whatever be the future political pattern in the country it is likely to be greatly influenced by what had happened during these five years.

It is an irony of fate that Bhutto should have failed when success probably lay within his reach. If his imagination gave him visions of greatness and a place in history, he failed to adopt the means to achieve it which his intelligence could have easily shown him. Why did he have to demolish it all? To this, no easy answer is possible. Contrary elements, so it seems, were mixed in his strange and powerful personality. A passion for authority, so it appears, overshadowed his creative instincts and generous emotions. The pursuit of this ambition absorbed his prodigious capacity, fierce energy and undoubted brilliance. If it provided the prime motivation of his rise to power, it would also seem to explain his ultimate fall.

During his trial which lasted several months Bhutto remained supremely convinced of his self-righteousness; he had done no wrong. Or, could it be that solitude and long tormenting silence perhaps brought to his heart moments of compassion and bitter remorse over a great opportunity thrown away? No one will ever know.

CHAPTER VI

Epilogue

ALTHOUGH thirty years are a brief period in the life of a nation, the period under review has been marked by great change, turbulence and even tragedy. Controversy has surrounded its every important stage which makes it difficult to speak about the past events without being provocative to some in each case. The events are perhaps too close upon us to permit their just appraisement. Yet, the present can be scarcely intelligible without an understanding of the past and a nation which would plan for its future needs to know the realities which it has to contend with today. In what follows, an attempt is made to recapitulate the experience of these years and to observe its main implications.

Search for a Democratic Goal

On Independence, Pakistan had adopted a parliamentary form of government in obedience to the constitutional evolution that had taken place in India to which it was also heir. The old political form of Muslim rule in India had long disappeared. There was no other system of government to turn to when freedom came. The tradition of democracy, for reasons already discussed, was, however,

weak and the country was insufficiently prepared for democratic organisation. Under conditions of colonial rule, democracy could not have been expected to strike roots in the traditions of the people. In the gradual transition towards responsible governments in the inter-war period, Pakistan's experience, as we saw, had remained minimal. The pre-occupation besides of the movement for Pakistan had been with the attainment of a homeland rather than with self-government within the new state. Compared with India, conditions in Pakistan were also less favourable for the promotion of a democratic system. The socio-economic backwardness of the people, a general lack of political awakening and the near absence of the educated middle classes, outside the services, as we had observed, presented serious problems in the way of democratic reconstruction. More important, the Muslim League, on account of its late rise, had not found sufficient time to grow into a broad-based organisation with leadership at all levels so that it could steer the country through the crucial phase of democratisation. The early loss of its top leadership left a vacuum. No one approaching the stature of Jinnah or even Liaquat could rise to fill the gap. These limitations which might probably have been overcome in due course of time were however, compounded by the country having had to face since its inception, a problem of extraordinary complexity arising from the physical separation of its two halves. It so happened that one of the cultural groups within Pakistan comprising the province of East Bengal was separated from the rest by a thousand miles of Indian territory. Of all the provinces that came to constitute Pakistan, East Bengal had given the most solid support to the cause of Pakistan. It had also more population than that of the rest of the provinces put together. But, from the beginning, the west Wing enjoyed a position of dominance—political, military, administrative and economic—over the east Wing, which led to regional tension. The politicians seem to have overlooked the peril or were unable or unwilling to overcome the pressure from special interests located in the west Wing for the democratic principle to prevail. In the circumstances the integrating power of democracy was never tested.

The inter-wing conflict led to a fatal delay in the framing of a constitution and a general election could not be held. It made a signal contribution to the rapid decline of the Muslim League. As

a result, the nation was deprived of its main instrument of national cohesion. As politics became fragmented, powers began to concentrate into the hands of the bureaucracy, with the military dominant. Both Ghulam Muhammad and Iskander Mirza, who had been formerly civil servants, as Heads of State did not conceal their contempt for democracy and consistently acted as such, of which the dismissal of Prime Minister Nazimuddin in 1953 was but one striking example. Political parties became regional in character and degenerated into party factions and the politicians succumbed to unabashed opportunism. In the absence of parties which were capable of aggregating regional interests at the national level, the belated constitutional formula of a parity of representation in the Legislature between the two wings could not solve the regional issue. On the other hand, the creation of the province of West Pakistan, as a corollary to parity, only promoted regional feelings among the former smaller provinces in the west Wing against the province of the Punjab which predominated in the new province of West Pakistan. One by one, the conditions for the success of a representative system disappeared. The hopes engendered by the Constitution of 1956, proved illusory. The army, as a well-disciplined body and the organised physical force in the country, moved in to take command of the situation.

Although the parliamentary rule collapsed within a few years, the political system which General Ayub Khan built on its ruins failed to provide an acceptable substitute. The new order was based on the philosophy of controlled democracy and a deep faith in an administrative state to answer all the national needs. The experiment of gradually introducing the people into democratic processes, however, came early to grief as even the system of Basic Democracies could not be sincerely implemented. Despite efforts for the uplift of East Pakistan, the regional problem also remained beyond Ayub's reach. In fact, the near total concentration of authority in the west Wing under the presidential system only increased the discontent of the east Wing where a sense of political deprivation was now combined with an acute feeling of economic exploitation. Graft and corruption began to sap the moral strength of his rule. The alliance of privileged interests which had served as the bulwark of the system became untenable due to economic advancement and social change

which made society dynamic, restless and unhappy. Despite an impressive economic growth, the uneven distribution of benefits bred deep social discontent. The authoritarian rule began to be questioned. The urge for political participation and a passion for political liberties among the urban population turned out to be more deep-seated that it had commonly been supposed. The chasm between the people and the government grew wide. The institutions which Ayub had created failed to bridge it. In these circumstances, the aspirations of the people—political, social and economic—looked elsewhere. Both in East and West Pakistan political leaders emerged who built their positions by appealing to the passions, prejudices and the cupidity of the people in situations of genuine grievance, but without apparently having the intent to provide a democratic apparatus of a party system. When Ayub's rule crumbled during the storms of political agitation it left no trace. The country was driven to make a new beginning but in very difficult and vastly changed circumstances.

The political forces and the ambitions represented by Sheikh Mujib-ur-Rahman and Zulfikar Ali Bhutto proved too strong for General Yahya Khan and his colleagues who sat menacingly in power and vainly sought to bring a new political order into being without having a clue as to what had gone before or the danger that lay ahead. They were ingnominiously swept out of power but at the cost of the secession of East Pakistan and a catastrophic defeat in war to which their folly and actions had led.

With the rise of the Pakistan Peoples Party to power the politicians for the first time were truly in the ascendancy. A constitution based on consensus was adopted by the elected representatives of the people and the issue of provincial autonomy was satisfactorily resolved in the halved Pakistan. The Peoples Party had a programme of economic uplift of the people and it enjoyed popular support at least in the two major provinces. Its leader displayed a capacity and a talent for leadership. Indeed, the party had owed its rise to his personal appeal. By all indications, the stage, so it seemed, was set for a new beginning towards the establishment, after a long interval, of a democratic government. However, by one action after another, Bhutto transmuted the parliamentary ascendancy of the party into a personal supremacy of near absolute authority to which

his party became a willing instrument or lacked power to resist. The machinery of the state was pressed into service to create a police state and liberty was extinguished. The regime was brought to an end by a sudden outburst of fury against oppression during a mass agitation which forced the imposition of Martial Law in July 1977. The representative system had once again eluded Pakistan.

Growth of Political Awareness

In contrast with the successive failure of a representative system to take roots, the growth of political consciousness among the people constitutes a development of the first importance. It would seem to be worth our while to briefly trace its growth and examine its significance.

In a way the half-century before Independence was the seed time of ideas. The birth of the new state which marked the climax to a mass movement for the creation of Pakistan was by itself a momentous event, which gave to the nation a vast tradition and new aspirations. Although the hopes created by Independence were soon disappointed, the nation was nevertheless managing its own affairs. The people, by their discussion of daily issues, by suffering or taking delight in political events, even as spectators, became in some measure, participants as citizens. Later, the system of Basic Democracies introduced by Ayub Khan, despite its defects, opened men's mind to what state action and self-help could achieve. Meanwhile, the process of economic growth and modernisation began to transform life and attitudes, even leading to turbulence and flashes of violence. The concentration of wealth into a few hands, occasioned by rapid industrial growth and an unjust distribution of benefits created large-scale discontent. The perpetuation of large land-holdings ran counter to the spirit of the times. The result of it all was that society ceased to be static and the conditions of life were no longer accepted by the people with equanimity. The individual had emerged from a state of passivity.

These developments received a dramatic intensity with the grant of universal sufferage and the holding of the first general election in 1970 which brought the forces of disillusionment, hope and discontent to the surface but in conditions of political turmoil.

Among the newly enfranchised vast multitudes there was a new sense of power which they meant to use for their own benefit. In East Pakistan, under the impulse of the developments, peculiar to that region and the actions of the Yahya regime, the new political forces took the path towards secession. In the west Wing, the Pakistan Peoples Party triumphed on a specious economic programme and by its projection as the party of the common man. Bhutto, in his charismatic way, portrayed himself as the champion of the poor and the oppressed. The following which he received revealed the inner pathos of society. With the rise of the Peoples Party to authority the demand for social and economic justice which had been steadily growing since Independence acquired a passionate insistence which marked an almost qualitative break with the past. The new regime, however, unleashed hopes but did not create a system for their legitimate realisation. On the other hand, by promising glittering benefits at the expense of property or privilege, the forces of indiscipline and destruction were let loose. An acute class feeling took possession of the minds of the masses who became concerned solely with the improvement of their material conditions without a corresponding sense of responsibility or regard for the institutions of society in which they considered they had no stake. The assertion of rights and an insatiable demand has consequently created a situation of utmost peril for if ways and means are not found to satisfy the new aspirations and divert them into democratic and responsible means of expression, the tidal wave of discontent may sweep into oblivion the good and the bad alike.

Institutions—Changing Role

The course of political events had deep repercussions on the institutions of the state which were inherited on Independence. These institutions which had provided the apparatus of modern governance were required to adapt themselves to the new conditions. This meant, above all, their subordination to the parliamentary authority which implied a radical change in their outlook, traditions and their methods of working.

The main characteristic of the administrative system was that it had grown in response to imperial needs and had worked under a colonial rule which was by its nature non-democratic. Its functions

were also restricted, being mainly directed to questions of law and order. On Independence, the apparatus of a parliamentary system, of which a beginning had been made before Independence, was super-imposed on a bureaucratic foundation. The problem before the politicians who assumed political control of the new country was not to do away with the system, for no parliamentary system had a chance of success without an administration of trained competence and integrity. But the need was to adapt the system to parliamentary control and to refashion it to meet new functions. The Muslim League, by virtue of its standing as a nationalist movement and the unquestioned sway which its leaders exercised over the people, appeared to be well-placed to perform this task. However, the League suffered an early eclipse. As it lost ground, effective powers shifted into the hands of the administrators and the state became a bureaucracy behind a democratic facade. The bureaucrats, therefore, continued to rule in much the same way as before in what is commonly called the 'colonial' tradition.

Under Ayub Khan, the pretence of representative control was cast aside and the bureaucracy became a partner in autocracy. But the services were stripped of their hall-mark, the security of tenure, by the removal of several hundred civil servants during the early days of Ayub's Martial Law administration under procedures of doubtful propriety. The services from now on were never the same again, for what had happened once could happen again. These fears, however, soon passed and the bureaucracy flourished as the loyal instrument of Ayub's rule and shared its fruits. With political neutrality now mainly gone, loyalty began to take precedence over merit and the temptations of gain became irresistible according as a sense of immunity increased. By the time Ayub's rule came to an end, the attributes for which the public services had been justly admired had been eroded, though the traditional edifice remained. When Ayub's rule came into disrepute, the bureaucracy, especially its upper echelons, having become a part and parcel of his regime shared the odium and became vulnerable to attack at the hands of his successors.

General Yahya Khan had dramatised his 'seizure' of power by the removal with one stroke of more than three hundred senior public servants, breaking further their sense of security and destroying

the esteem in which the institutional framework of administration had been held by the people. The civil servants, for the first time, were also kept away from the centre of power and from the processes of decision-making. Under Bhutto, the bureaucracy was subjected without much ado to a frontal attack beginning with the removal of some two thousand officers soon after his assumption of power. With the abolition of service cadres under cover of reform, and by the assumption of arbitrary powers of punishment and removal of the civil servants the traditional structure which had been already weakened was demolished. Through a number of actions, the public services were made the unquestioning instrument of an authoritarian rule. In most of the key positions, a new kind of a civil servant appeared on the scene, politicised and untroubled by conscience.

The institution of the army was remarkable in many ways. As a professional body, it was trained to obey political authority. Unaligned with any party or a region, it identified itself with the nation as a whole. It was thus a great factor in the country's stability. Unlike its British counter-part, the army was not, however, accustomed to obey parliamentary authority. On Independence, when the mantle of political authority fell upon the Muslim League, the army, like other institutions, however, found no difficulty in adjusting itself to the new political conditions. In fact, it became the proud arm of the new state. But within a few years of Independence the process of adaptation was disrupted due to the collapse of the parliamentary rule. Conditions emerged in which the army as the most organised body in the country had to take command of the political affairs. From 1958 to 1962 it acted as the supreme political authority in the land. General Ayub Khan, who had been a professional soldier and who had taken pains to reorganise and strengthen the armed forces, was quick to relieve the army of civilian duties in order to preserve its professional rigour. But Ayub's own strength derived from the army, a position which unfortunately remained unchanged even after he had placed his authority on a constitutional foundation in 1962. Ayub's failure or disinclination to create an independent political base for his government meant that the army retained its quasi-political character and it continued in effect as the major element in the body-politic.

After Ayub's fall, there was a political vacuum. For the second

time the army assumed political control of the country. With Bhutto's accession to power, in the wake of the loss of East Pakistan and a military disaster, authority, however, shifted decisively into the hands of the politicians. The army was completely overshadowed by the vigour of the new political leader. In fact the task then was of rebuilding the army. Bhutto's rule, however, within the space of five years led up to a situation in which, as a result of a mass agitation against his regime, the army was forced to take control, now for the third time, of the destiny of the country. The Constitution of 1973 was not, however, abrogated and the new military regime expressed it as its intention to transfer authority to civilian hands. In the foreseeable future the army appeared likely to have a major say in the shaping of the political future of the country.

As an institution the judiciary had stood apart, on account of its independence of the executive authority and by dint of its role as a protector of the citizens' rights. It had, therefore, become, as we had earlier observed, a part of the organic life of the people, a position unequalled by any other institution. The successive constitutions of Pakistan guaranteed the independence of the judiciary and all governments have avowed themselves to maintain it.

But the deterioration of political and public life cast its shadows. At the lower levels of the judicial system, especially where the executive and the judicial functions are traditionally combined, resistance to executive pressure or to temptation was not always found possible. Unfortunately, it is at the lower levels that the public has the maximum contact. Quite naturally the people have tended to form their impression of the judiciary in the light of their own immediate experience. This experience has been sufficiently discouraging to shake people's confidence in the administration of justice, notably by the helplessness of the judicial system in the face of abuse of law or procedure. It is significant that a need was felt for the first time after Independence by the Lahore High Court to grant bail before arrest through a liberal interpretation of the law.

The removal of some judges of the High Court by the Supreme Judicial Council showed a lowering of standards even at a high level. From the time of Ayub Khan, the executive assumed a hand in the selection and approval of the appointment of judges which hitherto had in effect been the prerogative of the judiciary. This develop-

ment was probably the result of the courageous stand taken by Mr. M. R. Kayani, Chief Justice of the Lahore High Court against the executive and his outspoken criticism of the martial law which was probably considered as exceeding the bounds of judicial function.[1] Some of the appointments made by Bhutto were later questioned on the ground that the political persuasions of the individuals concerned had probably weighed more than their merit for the high office.

It is nevertheless remarkable that the main body of the judiciary remained firm under assault. The political authorities intent on bending justice for political ends had mainly to resort to other means —the abuse of procedure and law, the enactment of legislation restrictive of citizens rights and liberties; use of emergency powers and so on. These measures were carried to a far limit during Bhutto's government. Parallel authorities, like the Tribunals, were set up which were amenable to executive persuasion or direction and special procedures were laid down to the detriment of the accused and the powers of the Superior Courts were curtailed in matters like bail. Finally, through constitutional amendments it was sought to directly bring the judges under executive influence. All these measures evidently detracted from the high position which the judiciary had occupied notwithstanding the upright and courageous stand taken by individual judges. It is needless to add that the guarantees of the security of tenure were poor defence against dictatorial power. The waters which give life to the judiciary, it need not be emphasised, flow only from the rule of the law.

From the above it is not difficult to imagine the effect which the deterioration of political and public life must have had on other spheres of society. The professions, the seats of learning, the organisations of trade and business, the press and the institutions of finance, in short, there is hardly any sphere which did not suffer serious eclipse of standards. This process which had started almost from the beginning was carried to a far limit during Bhutto's regime. By the time his rule came to an end, the elite in all spheres, at all levels, for failure both of character and calibre had lost the respect of the people. The traditional bulwarks of society had crumbled.

1. Field Marshal Ayub Khan contributed a foreword to M. R. Kayani's *Not the Whole Truth*, Pakistan Writer's Co-operative Society, Lahore, 5th ed. 1968.

Religion

From the ebb and flow of politics we may turn aside for a moment to look at the question of religion whose influence, though less easy to describe, has been a constant factor in the evolution of the country. In an earlier chapter we had seen how Islam was directly connected with the genesis of Pakistan, as the bond of unity among the Muslims of the sub-continent and as the basis of their nationhood. The new state was sometimes referred to as an ideological state or the product of an ideology. There was a fervent hope among many sections of the people of the establishment of an Islamic state. But, as already discussed, the relationship of religion with the state was not defined. The orthodox and those educated in the western tradition interpreted Islam in their own ways while the bulk of the people did not concern themselves with theological issues. Meanwhile, the country was managed by those who might be loosely called 'secular', tending to look at politics in a practical and non-religious fashion, but without forsaking religious ideals.

The Objectives Resolution passed by the Constituent Assembly in March 1949 contained an early declaration of aims. It defined the concept of authority as a sacred trust and consequently of government as trustees. It laid down the objective of establishing democracy, freedom, equality, tolerance and social justice as enunciated by Islam. More than "the corner-stone of Pakistan's legal edifice" as Mr. Brohi has called it, the Resolution embodied a set of social ideals which are revolutionary in their content.

Although a body of *Ulema* had stood outside or even in opposition to the Pakistan movement, there were a large number of religious groups which had played a significant part in mobilising public opinion favourable to the Pakistan movement especially during its last phase. These groups had, therefore, hopes of finding for themselves a new position in the body-politic after Independence. These hopes were in the main disappointed. For one thing, the management of the country's affairs remained in 'secular' hands. The leaders of the movement and the educated middle classes were brought up in the western tradition. The institutions of the state like the bureaucracy and the army were also in the hands of similarly educated people. Faced with this situation, the orthodox sections, apart from manifesting feelings over sectarian issues, began to assume a

political role. Some of the religious leaders enlarged the scope of their activities to include political aims, hoping thereby to gain access to power in order to remould national life according to their schools of thought.

Notable among such parties were the Jamaat-i-Islami, Jamiat-i-Ulema-i-Islam and Jamiat-i-Ulema-i-Pakistan. Although the influence of these and other similar orthodox parties remained unimpressive judged by their performance at the polls, it would be an error to judge their strength on that basis alone. Consistently these parties opposed all regimes and kept the tradition of criticism alive. Their role in strengthening the forces of opposition against authoritarian rule has yet to be adequately recognised. The display of commitment to principle and belief was remarkable as the adherents of these parties remained steadfast under temptation and fear.

Although nearly all political parties and regimes expressed their deep faith in Islam, its scope within the body-politic remained undefined. Curiously, despite the views of the orthodox, the Pakistan Peoples Party appeared to make an attempt at a synthesis of Islam and socialism thereby highlighting the social and economic injunctions of Islam. This development, though of great significance, became unimportant as no serious attempt was made to achieve it. In the upsurge against Bhutto's regime, religion came back with the fury of long neglect and lent a dynamic force to the movement and steeled men's will to resist. Religion was a natural idiom in which the people expressed their revolt against oppression. From the time of the First Caliphate, religion had transmitted the tradition of the accountability of the ruler and laid down standards of his conduct. There was consequently a renewed aspiration among many sections of the people for the establishement of an Islamic state, a goal which the Pakistan National Alliance had adopted. After the overthrow of Bhutto's regime, the movement of protest seemed to be fulfilled. However, the struggle with its resurgence of religious sentiment brought to the forefront questions which had been transmitted to Pakistan at the time of Independence. It is difficult to foretell the manner in which the forces of orthodoxy, which seem to represent a resurgence, harmonise themselves with modernism or the form in which religious injunctions and the social and economic aspirations of the people find equilibrium. Though the two can be entirely

consistent, a great deal will depend on the lines on which religion is employed in shaping the future life of the country.

Prospect

The above account will make plain the immensity of the problem which confronts the nation. Not the least of the difficulties which lie in the way of creating a viable representative system arises from the fact, that while society has become co-extensive with the entire adult population, the mechanism of a party-system which Bagehot called as "the vital principle of representative government", has yet to come into existence. This situation would seem to be the reverse of what has traditionally been the case with countries where democracy has worked successfully. In England, for example, a party-system had been well-established for decades before franchise began to be extended. Even in India, where democracy seems to have been working with some success, the organisation of the Congress committed to a democratic system had been in existence before universal sufferage made its appearance in 1950. By the time Congress lost popular support a shadow government had already come into existence. In Pakistan, since the country stumbled during the early years of its existence it has not been able to recover the lost ground. Meanwhile, the vicissitudes of political life, which marked a transition from a parliamentary system to a dictatorial rule, prevented the tradition of democracy from taking roots and the conditions favourable for its emergence withered or could not come into existence. There is, however, no reason to suppose that adult franchise cannot lead to the emergence of a party or of a large enough party to give a stable government but it may not necessarily lead to democracy. While a constitution can be a pliable instrument in the hands of a dictator, the majority can become no less tyrannical by riding roughshod over the minority.

It is outside the scope of this study to discuss the conditions for the successful working of a democratic system, apart from a responsible party system. It might, however, be observed that it presupposes the existence of the rule of the law, an independent civil service and a strong tradition of local-government. It implies that the minority for the time being has all those means available to it whereby it can hope to transform itself into government. These

include the freedom of expression and of political association, a responsible and a freely functioning press and in view of the large-scale nationalisation that has taken place in the country, a legislative rather than an executive control over the public sector. In a democracy it need not be added, the opposition is not merely tolerated but is officially recognised.

A glance at the prevalent conditions is enough to indicate the enormous amount of preparatory work that is required to be done and how far removed we are from the traditions and practices of democracy. However, a parliamentary system based on adult franchise is the accepted political philosophy, sanctioned by the Constitution and a matter on which political consensus exists, especially due to the scope which it offers for regional self-expression. It is therefore a bond of unity. The appeal of the system would also seem to have moved beyond the intellectual passion of the educated classes. Although the people would seem to be primarily concerned with good government rather than with the process of electing a government accountable to the popular will through periodic elections, the power of the vote has come to be regarded as the means whereby they can hope to bring into existence a government which is responsive to their needs. By a combination of circumstances a representative system based on the elective principle would thus appear to have acquired a force which it would be unwise to ignore.

All governments with the passage of time tend to lose popularity, especially so in a country like Pakistan which is in a state of transition. The supreme virtue of the representative system ironically seems to lie in the fact that it makes possible the rejection of a party in power while permitting it an opportunity to return to power again, though the tradition of a periodic submission to the popular will has yet to grow. In view of the transitory nature of governments, successive military regimes in Pakistan have shown a natural anxiety to transfer power to civilian hands as quickly as possible or to transform themselves into a civilian rule. It is inconsistent with the position of the army as a professional institution to place itself on trial for an indefinite period though Pakistan seems to afford yet another illustration of the role of the military in a developing country where the capabilities of self-government are either not fully developed or have suffered corrosion.

With the process of free elections, extension of literacy, removal of economic disparities, the establishment of local government[1] and with the growth of a middle class conditions are likely to emerge which will be favourable to the growth of a democratic tradition. It needs the guiding hands of a committed leadership and a stable party system for its success. In the ultimate analysis there is no way to democracy outside the collective will of a people to be free; a constitution being only the outward expression of the life of a free people.

In the task of reconstruction, one of the first tasks ought to be to re-establish the institutional framework of society. All systems must depend for their success on an administration of competence and integrity. It is vital to restore the principle of merit in the services in its full rigour and to relate office with calibre and to bring a sense of justice and self-respect at all levels of administration. In view of the bureaucratic oppression which pervades national life all efforts to reconstruct a democratic system will be seriously handicapped if not foredoomed to failure if the means and instruments of administration are not rightly fashioned. It is also vital to create a plurality of elite groups which become the pockets of resistance against attack on liberty.

It is not possible to conclude this survey without asking the inevitable question: what lies ahead, on which a curtain of uncertainty hangs. Although no generation has been able to predict its immediate future, yet no people for that reason have abandoned without peril the responsibility to work each day for a better future. Amidst all the political storms, the confidence of the nation has remained unshaken. The people having gone through misfortune and trial, tragedy and suffering, have grown in the consciousness of their rights which is both a challenge and a hope. Perhaps, as never before, the vision and commitment of those who will make it their business to govern, and of all those sections of society who would like to see that the light is not put out, is on trial. The upheaval and change which is taking place in the region in which Pakistan is placed lends a new urgency to the attempts at national reconstruction.

1. The local councils set up in December 1979 based on the elective principle if allowed to function as planned will probably constitue the single most important institutional advancement since Independence.

The faith and resilience, patriotism and a capacity for sacrifice in the nation inspire the hope that the emerging leadership will set the country forward again in quest of harmony and democratic existence, of justice and genuine growth, which will lead and not drive the people and by a wise policy lay the foundation of a happier future.

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